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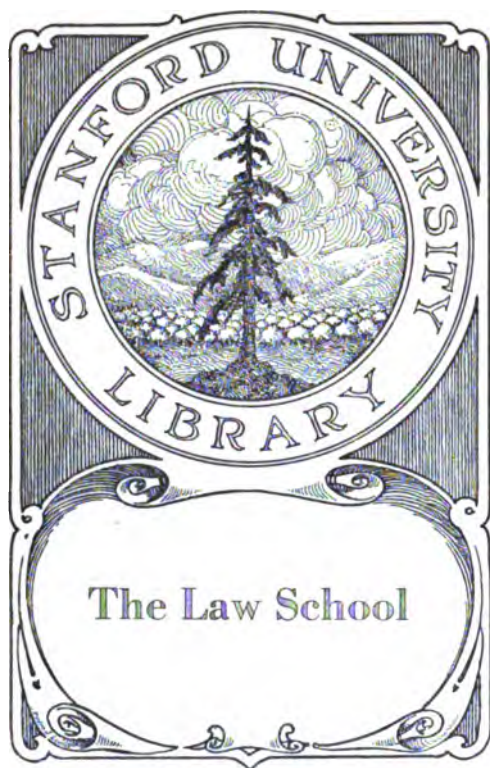
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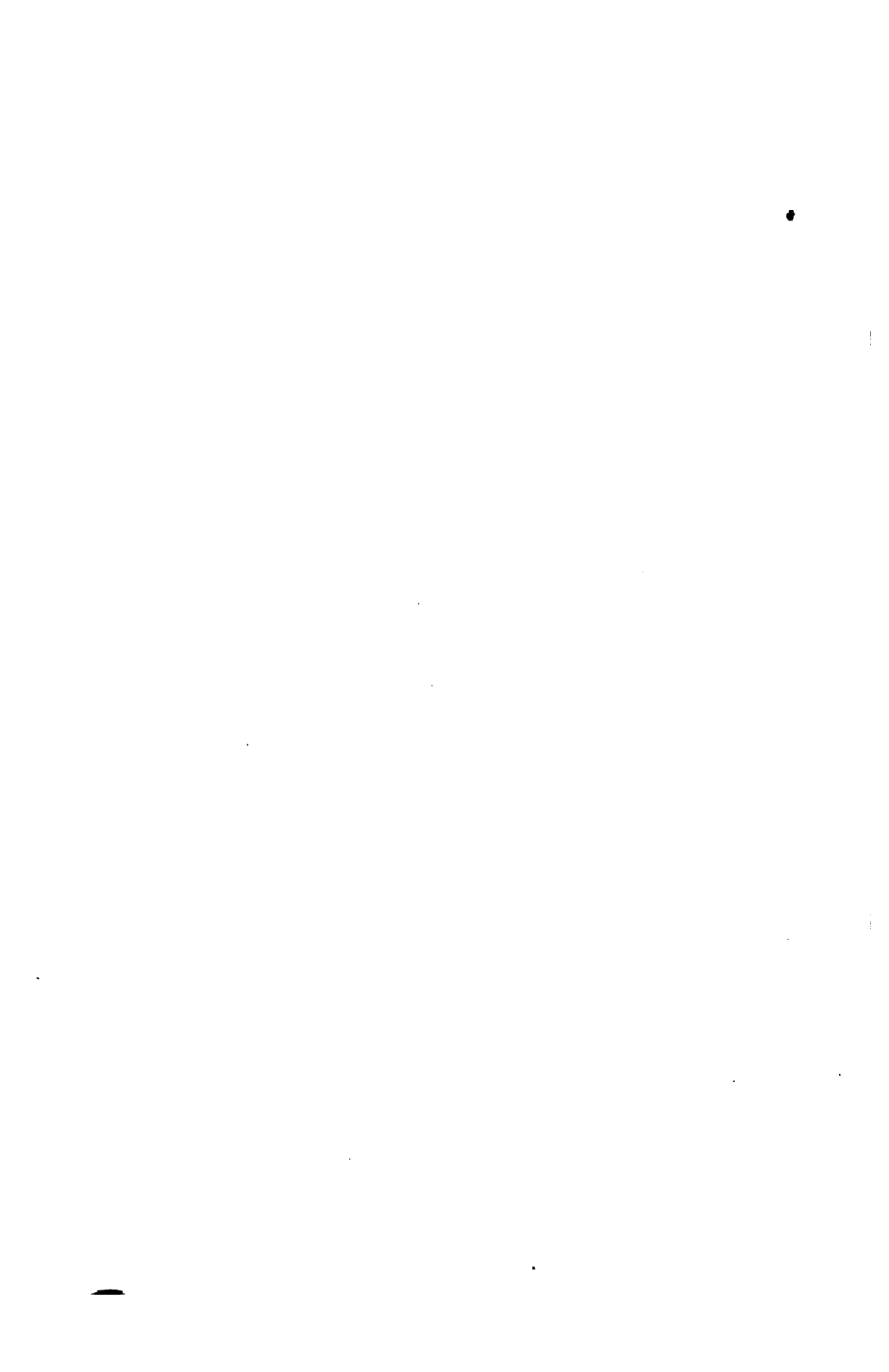
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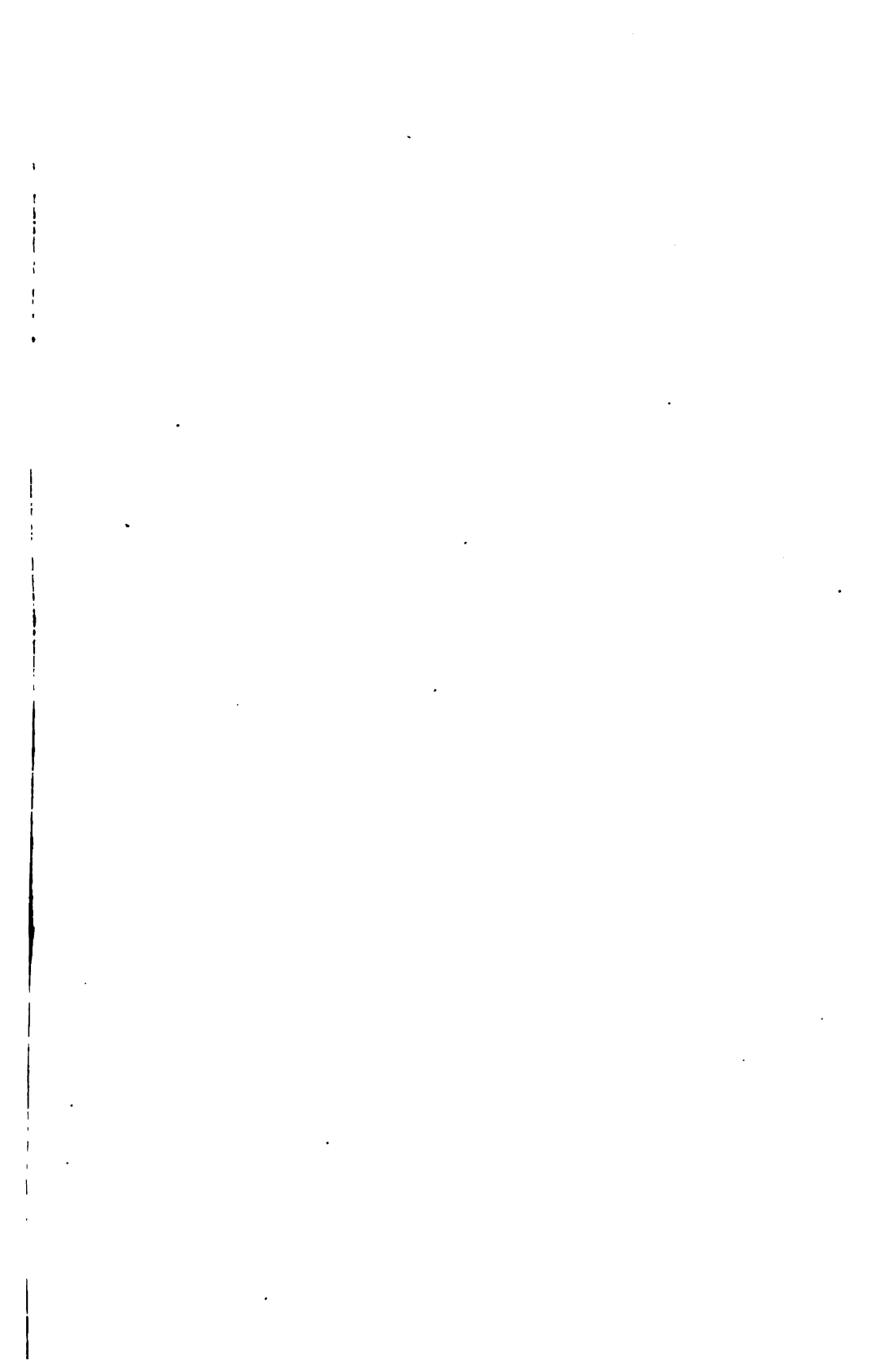
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Fred E. Wadsworth





REPORT

OF THE

New York

BOARD OF STATUTORY

CONSOLIDATION

VOLUME VI



ALBANY

J. B. LYON COMPANY, STATE PRINTERS

1907

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STATE OF NEW YORK

No. 65

IN ASSEMBLY

June 26, 1907

REPORT

OF THE

Board of Statutory Consolidation

ALBANY, N. Y., *June 26, 1907.*

To the Legislature:

In obedience to chapter 664 of the Laws of 1904 we have the honor to present herewith the Penal Law as a part of the report of the Board of Statutory Consolidation.

Respectfully,

A. J. RODENBECK, *Chairman.*

WILLIAM B. HORNBLOWER,

JOHN G. MILBURN,

ADELBERT MOOT,

Board of Statutory Consolidation.

NEW YORK

EMERALD

REPORT

OF THE

EMERALD

PENAL LAW

PENAL LAW

Note

The "Penal Law" herewith presented is a rearrangement of the "Penal Code" without change of substance. The alphabetical plan has been followed for the arrangement of the material as best adapted to the character of the provisions of the Law. The name has been changed to conform to the nomenclature of the consolidated laws.

Respectfully,

ADOLPH J. RODENBECK,
WILLIAM B. HORNBLOWER,
JOHN G. MILBURN,
ADELBERT MOOT,

Board of Statutory Consolidation.

June 26, 1907.

PENAL LAW

AN ACT providing for the punishment of crime, constituting
chapter forty of the consolidated laws.

*The People of the State of New York, represented in Senate
and Assembly, do enact as follows:*

CHAPTER 40 OF THE CONSOLIDATED LAWS

PENAL LAW

- Article**
- 1. Short title and definitions (§§ 1-3).**
 - 2. General provisions (§§ 20-43).**
 - 4. Abduction (§§ 70-71).**
 - 6. Abortion (§§ 80-82).**
 - 8. Adultery (§§ 100-103).**
 - 10. Advertising (§§ 120-121).**
 - 12. Agents (§§ 140-143).**
 - 14. Anarchy (§§ 160-166).**
 - 16. Animals (§§ 180-196).**
 - 18. Apprentices (§ 219).**
 - 20. Arson (§§ 220-227).**
 - 22. Assault (§§ 240-246).**
 - 24. Attempt to commit crime (§§ 260-262).**
 - 26. Attorneys (§§ 270-279).**
 - 28. Banking (§§ 290-302).**
 - 30. Barratry (§§ 320-324).**
 - 32. Bigamy (§§ 340-343).**
 - 34. Bills of lading, receipts and vouchers (§§ 360-367).**
 - 36. Bribery and corruption (§§ 380-389).**
 - 38. Burglary (§§ 400-408).**
 - 40. Business and trade (§§ 420-442).**
 - 42. Canals (§§ 460-465).**
 - 44. Children (§§ 480-492).**
 - 46. Civil rights (§§ 510-516).**
 - 48. Coercion (§§ 530-533).**
 - 50. Communication (§§ 550-553).**
 - 52. Compounding crime (§§ 570-571).**
 - 54. Conspiracy (§§ 580-583).**
 - 56. Contempt of court (§§ 600-601).**
 - 58. Conviction (§§ 610-611).**
 - 60. Convict made goods (§ 620).**
 - 62. Convicts (§§ 640-644).**
 - 64. Corporations (§§ 660-670).**
 - 66. Crime against nature (§§ 690-691).**
 - 68. Disguises (§§ 710-713).**
 - 70. Disorderly conduct (§§ 720-721).**
 - 72. Dueling (§§ 730-737).**



PENAL LAW

ARTICLE 1

Short Title and Definitions

- Section 1. Short title.*
2. Definitions.
3. Construction of terms.

[Section 1. Title of Code. This act shall be known as the Penal Code of the State of New York.]

[See note 1] **§ 1. Short title.** This chapter shall be known as "Penal Law."

[See note 2]

§ 2. Definitions.

Crime. A "crime" is an act or omission forbidden by law, and punishable upon conviction by:

1. Death; or,
2. Imprisonment; or,
3. Fine; or,
4. Removal from office; or,
5. Disqualification to hold any office of trust, honor or profit under the state; or,
6. Other penal discipline.

Division of crime. A crime is **[either]**:

1. A felony; or,
2. A misdemeanor.

Felony. A "felony" is a crime which is or may be punishable by **[either]**:

1. Death; or,
2. Imprisonment in a state prison.

Misdemeanor. Any other crime is a "misdemeanor."

Principal. A person concerned in the commission of a crime, whether he directly commits the act constituting the offense or aids and abets in its commission, and whether present or absent, and a person who directly or indirectly counsels, commands, induces or procures another to commit a crime, is a "principal."

Accessory. A person who, after the commission of a felony, harbors, conceals, or aids the offender, with intent that he may avoid or escape from arrest, trial, conviction, or punishment, having knowledge or reasonable ground to believe that such offender

is liable to arrest, has been arrested, is indicted or convicted, or has committed a felony, is an "accessory" to the felony.

Attempt to commit a crime. An act, done with intent to commit a crime, and tending but failing to effect its commission, is "an attempt to commit that crime."

[Penal Code §§ 3-6, 29, 30, 34.]

§ 3. Construction of terms. In construing this [code] chapter or an indictment or other pleading in a case provided for by this [code] chapter, the following rules must be observed, except when a contrary intent is plainly declared in the provision to be construed, or plainly apparent from the context thereof:

1. Each of the terms "neglect," "negligence," "negligent," and "negligently," imports a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concerns;

2. Each of the terms "corrupt" and "corruptly" imports a wrongful desire to acquire, or cause some pecuniary or other advantage to or by the person guilty of the act or omission referred to or some other person;

3. Each of the terms "malice" and "maliciously" imports an evil intent or wish or design to vex, annoy or injure another person, or to maltreat or injure an animal;

4. The term "knowingly" imports a knowledge that the facts exist which constitute the act or omission a crime, and does not require knowledge of the unlawfulness of the act or omission;

5. Where an intent to defraud constitutes a part of a crime, it is not necessary to aver or prove an intent to defraud any particular person;

6. The term "vessel" includes ships, steamers, canal boats, and every boat or structure adapted to navigation or movement from place to place by water, either upon the ocean, lakes, rivers, or artificial water ways;

7. The term "signature" includes any memorandum, mark or sign, written with intent to authenticate any instrument or writing, or the subscription of any person thereto;

8. The term "writing" includes both printing and writing; [See note 3]

[16] 9. The terms "reputed house of prostitution or assignation," "house of prostitution," "house of ill-fame or assignation," "disorderly house," include all premises which by common fame or report are used for purposes of prostitution or assignation.

[Penal Code § 718, as amended by L. 1882, Ch. 384, § 1; subd. 16, added by L. 1886, Ch. 31, § 7.]

ARTICLE 2

[See note 4]

General Provisions

- Section 20. Objects of penal law.*
- 21. *General rules of construction of this chapter.*
 - 22. *Effect of chapter.*
 - 23. *Civil rights and remedies not affected.*
 - 24. *Civil remedies preserved.*
 - 25. *Ambassadors and foreign ministers excepted from punishment.*
 - 26. *Principal and accessory.*
 - 27. *All principals in misdemeanors.*
 - 28. *Acts punishable under foreign law.*
 - 29. *Violation of statute which imposes no penalty is a misdemeanor.*
 - 30. *Jury to find the degree of a crime.*
 - 31. *Conviction must precede punishment.*
 - 32. *Acquittal or conviction bars indictment for another degree.*
 - 33. *Foreign conviction or acquittal a defense.*
 - 34. *Morbid criminal propensity no defense.*
 - 35. *Omission to perform act not punishable if act is performed by another.*
 - 36. *Limit of fine where statute does not specify amount.*
 - 37. *Proceedings to impeach preserved.*
 - 38. *Application of this chapter to prior offenses.*
 - 39. *Military punishments preserved.*
 - 40. *Certain statutes continued in force.*
 - 41. *Manner of prosecution and conviction.*
 - 42. *Rule when act done in defense of self or another.*
 - 43. *Penalty for acts for which no punishment is expressly prescribed.*

§ 20. Objects of Penal Law. This [code] chapter specifies the classes of persons who are deemed capable of crimes, and liable to punishment therefor; defines the nature of the various crimes; and prescribes the kind and measure of punishment to be inflicted for each.

[Penal Code § 7.]

§ 21. General rules of construction of this chapter.

The rule that a penal statute is to be strictly construed does not apply to this [code] chapter or any of the provisions thereof, but all such provisions must be construed according to the fair import of their terms, to promote justice and effect the objects of the law.

[Penal Code § 11.]

§ 22. Effect of chapter. No act or omission begun after the beginning of the day on which this [code] chapter takes effect as a law, shall be deemed criminal or punishable, except as prescribed or authorized by this [code] chapter, or by some statute of this state not repealed by it. Any act or omission begun prior to that day may be inquired of, prosecuted and punished in the same manner as if this [code] chapter had not been passed.

[Penal Code § 2.]

§ 23. Civil rights and remedies not affected. The provisions of this [code] chapter are not to be deemed to affect any civil rights or remedies existing at the time when this [code] chapter takes effect, by virtue of the common law or of any provision of statute.

[Penal Code § 720.]

§ 24. Civil remedies preserved. The omission to specify or affirm in this [code] chapter any liability to any damages, penalty, forfeiture or other remedy, imposed by law, and allowed to be recovered or enforced in any civil action or proceeding, for any act or omission declared punishable herein, does not affect any right to recover or enforce the same.

[Penal Code § 722.]

§ 25. Ambassadors and foreign ministers excepted from punishment. Ambassadors and other public ministers from foreign governments, accredited to the president or government of the United States, and recognized according to the laws of the United States, with their secretaries, messengers, families and servants, are not liable to punishment in this state, but are to be returned to their own country for trial and punishment.

[Penal Code § 27.]

§ 26. Principal and accessory. A party to a crime is, either

1. A principal; or,
2. An accessory.

[Penal Code § 28.]

§ 27. All principals in misdemeanors. A person who commits or participates in an act which would make him an accessory if the crime committed were a felony, is a principal and may be indicted and punished as such, if the crime be a misdemeanor.

[Penal Code § 31.]

§ 28. Acts punishable under foreign law. An act or omission declared punishable by this [code] chapter, is not less so because it is also punishable under the laws of another state, government or country, unless the contrary is expressly declared in this [code] chapter.

[Penal Code § 678.]

§ 29. Violation of statute which imposes no penalty is a misdemeanor. Where the performance of any act is prohibited by a statute, and no penalty for the violation of such statute is imposed in any statute, the doing such act is a misdemeanor.

[Penal Code § 155.]

§ 30. Jury to find the degree of a crime. Whenever a crime is distinguished into degrees, the jury, if they convict the prisoner, must find the degree of the crime[,] of which he is guilty.

[Penal Code § 10.]

§ 31. Conviction must precede punishment. The punishments prescribed by this [code] chapter can be inflicted only upon a legal conviction in a court having jurisdiction.

[Penal Code § 9.]

§ 32. Acquittal or conviction bars indictment for another degree. Where a prisoner is acquitted or convicted, upon an indictment for a crime consisting of different degrees, he can not thereafter be indicted or tried for the same crime, in any

other degree, nor for an attempt to commit the crime so charged, or any degree thereof.

[Penal Code § 36.]

§ 33. Foreign conviction or acquittal a defense.

Whenever it appears upon the trial of an indictment, that the offense was committed in another state or country, or under such circumstances that the courts of this state or government had jurisdiction thereof, and that the defendant has already been acquitted or convicted on the merits upon a criminal prosecution under the laws of such state, or country, founded upon the act or omission in respect to which he is upon trial, such former acquittal or conviction is a sufficient defense.

[Penal Code § 679.]

§ 34. Morbid criminal propensity no defense.

A morbid propensity to commit prohibited acts, existing in the mind of a person who is not shown to have been incapable of knowing the wrongfulness of such acts, forms no defense to a prosecution therefor.

[Penal Code § 23.]

§ 35. Omission to perform act not punishable if act is performed by another. No person is punishable for an omission to perform an act, where such act has been performed by another person acting in his behalf, and competent by law to perform it.

[Penal Code § 684.]

§ 36. Limit of fine where statute does not specify amount. Where, in this [code] chapter, or in any other statute making any crime punishable by a fine, the amount of the fine is not specified, a fine of not more than five hundred dollars may be imposed.

[Penal Code § 706.]

§ 37. Proceedings to impeach preserved. The omission to specify or affirm in this [code] chapter any ground or forfeiture of a public office or other trust or special authority conferred by law, or any power conferred by law to impeach, remove, depose or suspend any public officer or other person holding any trust, appointment or other special authority conferred by law, does not affect such forfeiture or power, or any proceeding

authorized by law to carry into effect such impeachment, removal, deposition or suspension.

[Penal Code § 723.]

§ 38. Application of this chapter to prior offenses.

Nothing contained in any provision of this [code] chapter applies to an offense committed or other act done, at any time before the day when this [code] chapter takes effect. Such an offense must be punished according to, and such act must be governed by, the provisions of law existing when it is done or committed, in the same manner as if this [code] chapter had not been passed; except that, whenever the punishment or penalty for an offense is mitigated by any provision of this [code] chapter, such provision may be applied to any sentence or judgment imposed for the offense after this [code] chapter takes effect. An offense specified in this [code] chapter, committed after the beginning of the day when this [code] chapter takes effect, must be punished according to the provisions of this [code,] chapter and not otherwise.

[Penal Code § 719.]

§ 39. Military punishments preserved. This [code] chapter does not affect any power conferred by law upon any court-martial or other military authority or officer, to impose or inflict punishment upon offenders; nor any power conferred by law upon any public body, tribunal or officers, to impose or inflict punishment for a contempt; nor any provisions of the laws relating to apprentices, bastards, disorderly persons, Indians and vagrants, except so far as any provisions therein are inconsistent with this [code] chapter.

[Penal Code § 724.]

§ 40. Certain statutes continued in force. Nothing in this [code] chapter affects any of the provisions of the following statutes; but such statutes are recognized as continuing in force, notwithstanding the provisions of this [code] chapter; except so far as they have been repealed or affected by subsequent laws:

1. All acts incorporating municipal corporations, and acts amending acts of incorporation or charters of such corporation,

or providing for the election or appointment of officers therein, or defining the powers and duties of such officers;

2. All acts relating to emigrants or other passengers in vessels coming from foreign countries, except as provided in section [six hundred and twenty-six] fifteen hundred and sixty-one of this [code] chapter;

3. All acts for the punishment of intoxication or the suppression of intemperance or regulating the sale or disposition of intoxicating or spirituous liquors;

4. All acts defining and providing for the punishment of offenses and not defined and made punishable by this [code] chapter.

[Penal Code § 725, as amended by L. 1882, Ch. 384, § 1.]

§ 41. Manner of prosecution and conviction. The manner of prosecuting and convicting criminals is regulated by the code of criminal procedure.

[Penal Code § 8.]

§ 42. Rule when act done in defense of self or another. An act, otherwise criminal, is justifiable when it is done to protect the person committing it, or another whom he is bound to protect, from inevitable and irreparable personal injury, and the injury could only be prevented by the act, nothing more being done than is necessary to prevent the injury.

[Penal Code § 26.]

§ 43. Penalty for acts for which no punishment is expressly prescribed. [See note 5] A person who wilfully and wrongfully commits any act which seriously injures the person or property of another, or which seriously disturbs or endangers the public peace or health, or which openly outrages public decency, for which no other punishment than that provided for in section seven hundred and twenty is expressly prescribed by this [code] chapter, is guilty of a misdemeanor; but nothing in this [code] chapter contained shall be so construed as to prevent any person from demanding an increase of wages, or from assembling and using all lawful means to induce employers to pay such wages to all persons employed by them, as shall be a just and fair compensation for services rendered.

[Penal Code § 675, pt., as amended by L. 1882, Ch. 384, § 1; L. 1891, Ch. 327, § 1. For remainder of section see § 720.]

ARTICLE 4**Abduction***Section 70. Abduction.**71. No conviction to be had on unsupported testimony.***§ 70. Abduction.** A person who:

1. Takes, receives, employs, harbors or uses, or causes or procures to be taken, received, employed or harbored or used, a female under the age of eighteen years, for the purpose of prostitution; or, not being her husband, for the purpose of sexual intercourse; or, without the consent of her father, mother, guardian or other person having legal charge of her person, for the purpose of marriage; or,

2. Inveigles or entices an unmarried female, of previous chaste character, into a house of ill-fame or of assignation, or elsewhere, for the purpose of prostitution or sexual intercourse; or,

3. Takes or detains a female unlawfully against her will, with the intent to compel her, by force, menace or duress, to marry him, or to marry any other person, or to be defiled; or,

4. Being parent, guardian or other person having legal charge of the person of a female under the age of eighteen years, consents to her taking or detaining by any person for the purpose of prostitution or sexual intercourse;

Is guilty of abduction and punishable by imprisonment for not more than ten years, or by a fine of not more than one thousand dollars, or by both.

[Penal Code § 282, as amended by L. 1884, Ch. 46, § 2; L. 1886, Ch. 31, § 1; L. 1895, Ch. 460, § 2; L. 1902, Ch. 83, § 1.]

[See note 6] **§ 71. No conviction to be had on unsupported testimony.** No conviction can be had for abduction, [compulsory marriage, rape or defilement] upon the testimony of the female abducted, [compelled or defiled,] unsupported by other evidence.

[Penal Code § 283, as amended by L. 1886, Ch. 663, § 1. For remainder of section see §§ 533, 611, 2013.]

ARTICLE 6**ABORTION**

Section 80. Definition and punishment of abortion.

81. *Killing of child in attempting miscarriage.*

82. *Selling drugs or instruments to procure a miscarriage.*

§ 80. Definition and punishment of abortion. A person who, with intent thereby to procure the miscarriage of a woman, unless the same is necessary to preserve the life of the woman, or of the child with which she is pregnant, either:

1. Prescribes, supplies, or administers to a woman, whether pregnant or not, or advises or causes a woman to take any medicine, drug, or substance; or,

2. Uses, or causes to be used, any instrument or other means,

Is guilty of abortion, and is punishable by imprisonment in a state prison for not more than four years, or in a county jail for not more than one year.

[Penal Code § 294.]

§ 81. Killing of child in attempting miscarriage. A pregnant woman, who takes any medicine, drug, or substance, or uses or submits to the use of any instrument or other means, with intent thereby to produce her own miscarriage, unless the same is necessary to preserve her life, or that of the child whereof she is pregnant, is punishable by imprisonment for not less than one year, nor more than four years.

[Penal Code § 295.]

§ 82. Selling drugs or instruments to procure a miscarriage. A person who manufactures, gives or sells an instrument, a medicine or drug, or any other substance, with intent that the same may be unlawfully used in procuring the miscarriage of a woman, is guilty of a felony.

[Penal Code § 297.]

[REFERENCES FOR OTHER SUBJECTS:

Accessory: *See* General Provisions, § 26.

Definition, *see* Definitions, § 2.

Punishment; felony, *see* Punishment, § 1934.

Punishment; misdemeanor, *see* Punishment, § 1936.

[REFERENCES FOR OTHER SUBJECTS — Continued:]

Acquittal: Bars indictment for another degree, *see* General Provisions, § 32.

Foreign, *see* General Provisions, § 33.

Acrobatic exhibitions, *see* Exhibitions.

Acrobats, *see* Children, § 485.

Actions; in false name, *see* Public Justice, § 1785.

Adulterations, *see* Public Health, §§ 1748, 1749.]

ARTICLE 8**Adultery**

[See note 7]

Section 100. Adultery defined.

101. *Adultery a misdemeanor.*

102. *Punishment for adultery.*

103. *Conviction can not be had on unsupported testimony.*

[Adultery defined; how punished. Adultery is the sexual intercourse of two persons, either of whom is married to a third person. A person who commits adultery is guilty of a misdemeanor. A conviction under this section cannot be had on the uncorroborated testimony of the person with whom the offense is charged to have been committed.]

[A person convicted of a violation of this act is punishable by imprisonment in a penitentiary or county jail, for not more than six months or by a fine of not more than two hundred and fifty dollars, or by both.]

[See note 7] **§ 100. Adultery defined.** Adultery is the sexual intercourse of two persons, either of whom is married to a third person.

[Penal Code § 280a, pt., added by L. 1907, Ch. 583, § 1. For remainder of section see §§ 101, 103 hereof.]

§ 101. Adultery a misdemeanor. A person who commits adultery is guilty of a misdemeanor.

[Penal Code § 280a, pt., added by L. 1907, Ch. 583, § 1. For remainder of section see §§ 100, 103 hereof.]

§ 102. Punishment for adultery. A person convicted of a violation of this [act] article is punishable by imprisonment in a penitentiary or county jail, for not more than six months or by a fine of not more than two hundred and fifty dollars, or by both.

[Penal Code § 280b, added by L. 1907, Ch. 583, § 1.]

§ 103. Conviction can not be had on unsupported testimony. A conviction under this [section] article can not be had on the uncorroborated testimony of the person with whom the offense is charged to have been committed.

[Penal Code § 280a, pt., added by L. 1907, Ch. 583, § 1. For remainder of section see §§ 100, 101 hereof.]

ARTICLE 10

Advertising

Section 120. Advertising to procure divorces.

121. Affixing advertisement to property of another.

§ 120. Advertising to procure divorces. Whoever prints, publishes, distributes or circulates, or causes to be printed, published, distributed or circulated any circular, pamphlet, card, hand bill, advertisement, printed paper, book, newspaper or notice of any kind offering to procure or to aid in procuring any divorce, or the severance, dissolution, or annulment of any marriage, or offering to engage, appear or act as attorney or counsel in any suit for alimony or divorce or the severance, dissolution or annulment of any marriage, either in this state or elsewhere, is guilty of a misdemeanor. This [act] section shall not apply to the printing or publishing of any notice or advertisement required or authorized by any law of this state.

[Penal Code § 148a, added by L. 1902, Ch. 203, § 1.]

§ 121. Affixing advertisement to property of another. A person who places upon or affixes to, or causes or procures to be placed upon or affixed to, real property not his own, or a rock, tree, wall, fence, or other structure thereupon, without the consent of the owner, any words, characters, or device, as a notice of, or reference to, any article, business, exhibition, profession, matter or event, is punishable by imprisonment for not more than six months, or by a fine of not more than two hundred and fifty dollars, or by both.

The placing or affixing of any words, characters, device, or notice, of any article, business, or other thing, to or upon any property or place specified in [the last] this section, is presumptive evidence that the proprietor, vendor, or exhibitor thereof caused or procured the same to be so placed or affixed.

[Penal Code §§ 643, 644.]

[REFERENCES FOR OTHER SUBJECTS:

Advertisements: Agent of vessel without authority, *see* Passage Tickets, § 1563.

Attorney not admitted to practice, *see* Attorneys, § 270.

Counterfeit money and stamps, *see* Forgery, § 895.

False and misleading, *see* Business and Trade, § 421.

Lottery, *see* Lotteries, §§ 1374, 1375, 1379.

Newspapers; misrepresenting circulation, *see* Frauds and Cheats, § 946.]

ARTICLE 12

Agents

Section 140. Agents must file statement of agency.

141. *Failure to make and file statement a misdemeanor.*

142. *Duty and fees of county clerk.*

143. *Relief of principal from liability for future acts of agent.*

[See note 8] **§ 140. Agents must file statement of agency.** Any person now carrying on or conducting a general mercantile or manufacturing business within this state, or hereafter commencing such business at or in a fixed location, as agent or manager for another [or others,] shall, within thirty days after [the passage of this act] May sixteenth, eighteen hundred and ninety-three, or the commencement of such business, file a sworn statement, verified by such agent and principal [or principals], in the county clerk's office of the county within which said business is carried on, stating the nature of the business and the full name and residence of such principal [or principals].

[Penal Code § 363a, subd. 1, added by L. 1893, Ch. 708, § 1.]

§ 141. Failure to make and file statement a misdemeanor. Any person [or persons] failing to make and file the statement required by [the first paragraph of this act, as therein required,] section one hundred and forty, shall be guilty of a misdemeanor.

[Penal Code § 363a, subd. 4, added by L. 1893, Ch. 708, § 1.]

§ 142. Duty and fees of county clerk. The county clerk shall keep a register of the names of such agents in alphabetical order, and of their principals, for which registering and

filing he shall receive a fee of one dollar; and copies of such certificate and registry certified by him and the affidavit of such publication^[.] shall be evidence.

[Penal Code § 363a, subd. 3, added by L. 1893, Ch. 708, § 1.]

§ 143. Relief of principal from liability for future acts of agent. Any person or ^[persons,] principal ^[or principals,] may be relieved from all liability for the future act of such agent or manager by filing in the office of the county clerk where the original statement appointing such agent or manager is filed, a statement revoking such agent or managership, to take effect ten days after the filing thereof; provided he shall, at or before the date of such filing, serve either personally or by mail, in the manner prescribed by the code of civil procedure for service of papers in civil actions, a copy of such revocation statement on each person or firm with whom such principal shall have transacted any business through such agent or manager within six months previous to such filing. But failure to make service of such statement shall not invalidate such revocation except as to persons not so served, said statement to be acknowledged before an officer authorized to take acknowledgments of deeds and to be published in at least three consecutive issues of the newspaper published in the county and nearest to the place where the business of said agent or manager is carried on; but if no newspaper is published in said county, then said statement shall be published in the newspaper published nearest to the place where such business shall be carried on.

[Penal Code § 363a, subd. 2, added by L. 1893, Ch. 708, § 1, and amended by L. 1895, Ch. 890, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Agents: Corrupting, *see* Business and Trade, § 439.

Insurance, *see* Insurance, §§ 1192, 1195-1199.

Agricultural fair grounds; fraudulently entering, *see* Frauds and Cheats, § 927.

Agricultural implements; injury to, *see* Malicious Mischief, § 1423.

Agricultural law; violations, *see* Public Health, § 1751.

Ambassadors; excepted from punishment, *see* General Provisions, § 25.

Ambulances, *see* Public Health, § 1755.

Amusements: *see* Exhibitions.

Excluding certain persons from, *see* Civil Rights, §§ 514, 515.]

ARTICLE 14

Anarchy

- Section 160. Criminal anarchy, defined.*
161. *Advocacy of criminal anarchy.*
162. *Assemblages of anarchists.*
163. *Permitting premises to be used for assemblages of anarchists.*
164. *Liability of editors and others.*
165. *Leaving state with intent to elude provisions of this article.*
166. *Witnesses' privilege.*

§ 160. Criminal anarchy defined. Criminal anarchy is the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means. The advocacy of such doctrine either by word of mouth or writing is a felony.

[Penal Code § 468a, added by L. 1902, Ch. 371, § 1.]

§ 161. Advocacy of criminal anarchy. Any person who:

1. By word of mouth or writing advocates, advises or teaches the duty, necessity or propriety of overthrowing or overturning organized government by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means; or,

2. Prints, publishes, edits, issues or knowingly circulates, sells, distributes or publicly displays any book, paper, document, or written or printed matter in any form, containing or advocating, advising or teaching the doctrine that organized government should be overthrown by force, violence or any unlawful means; or,

3. Openly, wilfully and deliberately justifies by word of mouth or writing the assassination or unlawful killing or assaulting of any executive or other officer of the United States or of any state or of any civilized nation having an organized government because of his official character, or any other crime, with intent to teach, spread or advocate the propriety of the doctrines of criminal anarchy; or,

4. Organizes or helps to organize or becomes a member of or voluntarily assembles with any society, group or assembly of persons formed to teach or advocate such doctrine,

Is guilty of a felony and punishable by imprisonment for not more than ten years, or by a fine of not more than five thousand dollars, or both.

[Penal Code § 468b, added by L. 1902, Ch. 371, § 1.]

§ 162. Assemblages of anarchists. Whenever two or more persons assemble for the purpose of advocating or teaching the doctrines of criminal anarchy, as defined in section [four hundred and sixty-eight-a of this title] one hundred and sixty, such an assembly is unlawful, and every person voluntarily participating therein by his presence, aid or instigation, is guilty of a felony and punishable by imprisonment for not more than ten years, or by a fine of more than five thousand dollars, or both.

[Penal Code § 468d, added by L. 1902, Ch. 371, § 1.]

§ 163. Permitting premises to be used for assemblages of anarchists. The owner, agent, superintendent, janitor, caretaker or occupant of any place, building or room, who wilfully and knowingly permits therein any assemblage of persons prohibited by section [four hundred and sixty-eight of this title] one hundred and sixty-two, or who, after notification that the premises are so used permits such use to be continued, is guilty of a misdemeanor, and punishable by imprisonment for not more than two years, or by a fine of not more than two thousand dollars, or both. [See note 9]

[Penal Code § 468e, added by L. 1902, Ch. 371, § 1.]

§ 164. Liability of editors and others. Every editor or proprietor of a book, newspaper or serial and every manager of a partnership or incorporated association by which a book, newspaper or serial is issued, is chargeable with the publication of any matter contained in such book, newspaper or serial. But in every prosecution therefor, the defendant may show in his defense that the matter complained of was published without his knowledge or fault and against his wishes, by another who had no authority from him to make the publication and whose act was disavowed by him so soon as known.

[Penal Code § 468c, added by L. 1902, Ch. 371, § 1.]

§ 165. Leaving state with intent to elude provisions of this article. A person who leaves the state, with intent to elude any provision of this [title] article, or to commit [See note 81]

any act without the state, which is prohibited by this [title] article, or who, being a resident of this state, does any act without the state, which would be punishable by the provisions of this [title] article if committed within the state, is guilty of the same offense and subject to the same punishment, as if the act had been committed within this state.

[Penal Code § 461.]

[See note 98] **§ 166. Witnesses' privilege.** No person shall be excused from giving evidence upon an investigation or prosecution for any of the offenses specified in this [title] article upon the ground that the evidence might tend to convict him of a crime. But such evidence shall not be received against him upon any criminal proceeding.

[Penal Code § 469.]

ARTICLE 16

Animals

Section 180. Definitions.

181. *Keeping a place where animals are fought.*
182. *Instigating fights between birds and animals.*
183. *Officer may take possession of animals or implements used in fights among animals.*
184. *Disposition of animals or implements used in fights among animals.*
185. *Overdriving, torturing and injuring animals; failing to provide proper sustenance.*
186. *Abandonment of disabled animal.*
187. *Failure to provide proper food and drink to impounded animal.*
188. *Selling or offering to sell or exposing diseased animal.*
189. *Carrying animal in a cruel manner.*
190. *Poisoning or attempting to poison animals.*
191. *Throwing substance injurious to animals in public place.*
192. *Keeping milch cows in unhealthy places and feeding them with food producing unwholesome milk.*
193. *Transporting animals for more than twenty-four consecutive hours without unloading.*
194. *Running horses on highway.*

Section 195. Leaving state to avoid provisions of this article.

196. To whom fines and penalties are to be paid.

§ 180. Definitions. 1. The word "animal," as used in this [title] article, does not include the human race, but includes [See note 10] every other living creature;

2. The word "torture" or "cruelty" includes every act, omission, or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted;

3. The words "impure and unwholesome milk" include all milk obtained from animals in a diseased or unhealthy condition, or [who] which are fed on distillery waste, usually called "swill" or upon any substance in a state of putrefaction or fermentation.
[Penal Code § 669.]

§ 181. Keeping a place where animals are fought.

A person who keeps or uses, or is in any manner connected with, or interested in the management of, or receives money for the admission of any person to, a house, apartment, pit or place kept or used for baiting or fighting any bird or animal, and any owner or occupant of a house, apartment, pit or place who wilfully procures or permits the same to be used or occupied for such baiting or fighting, is guilty of a misdemeanor. Upon complaint under oath or affirmation to any magistrate authorized to issue warrants in criminal cases, that the complainant has just and reasonable cause to suspect that any of the provisions of law relating to or in any wise affecting animals are being or about to be violated in any particular building or place, such magistrate shall immediately issue and deliver a warrant to any person authorized by law to make arrests for such offenses, authorizing him to enter and search such building or place, and to arrest any person there present found violating any of said laws, and to bring such person before the nearest magistrate of competent jurisdiction, to be dealt with according to law.

[Penal Code § 665, as amended by L. 1888, Ch. 144, § 2.]

§ 182. Instigating fights between birds and ani-[See note 11]
mals. A person who sets on foot, instigates, promotes, or carries on, or does any act as assistant, umpire, or principal, or is a witness of, or in any way aids in or engages in the furtherance of any fight between [cocks or other birds, or dogs, bulls, bears, or other] animals, premeditated by any person owning, or having custody of such birds or animals, is guilty of a misdemeanor punishable by fine not less than ten dollars, nor more than one thousand dollars,

or by imprisonment not less than ten days nor more than one year, or both.

[Penal Code § 664.]

§ 183. Officer may take possession of animals or implements used in fights among animals. Any officer authorized by law to make arrests may lawfully take possession of any animals, or implements, or other property used or employed, or about to be used or employed, in the violation of any provision of law relating to fights among animals. He shall state to the person in charge thereof, at the time of such taking, his name and residence, and also, the time and place at which the application [hereinafter] provided for by the next section will be made.

[L. 1875, Ch. 97, § 1.]

§ 184. Disposition of animals or implements used in fights among animals. The officer, after taking possession of such animals, or implements, or other property, pursuant to the preceding section, shall apply to the magistrate before whom complaint is made against the offender violating such provision of law, for the order next hereinafter mentioned, and shall make and file an affidavit with such magistrate, stating therein the name of the offender charged in such complaint, the time, place and description of the animals, implements or other property so taken, together with the name of the party who claims the same, if known, and that the affiant has reason to believe and does believe, stating the grounds of such belief, that the same were used or employed, or were about to be used or employed, in such violation, and will establish the truth thereof upon the trial of such offender. He shall then deliver such animals, implements, or other property, to such magistrate, who shall thereupon, by order in writing, place the same in the custody of an officer or other proper person in such order named and designated, to be by him kept until the trial or final discharge of the offender, and shall send a copy of such order, without delay, to the district attorney of the county.

The officer or person so named and designated in such order, shall immediately thereupon assume such custody, and shall retain the same for the purpose of evidence upon such trial, subject to the order of the court before which such offender may be required to appear, until his final discharge or conviction. Upon the conviction of such offender, the animals, implements, or other property, shall be adjudged by the court to be forfeited. In the event of the acquittal or final discharge, without conviction, of such offender, such court shall, on demand, direct the delivery of the property so held in custody to the owner thereof.

[L. 1875, Ch. 97, § 2, as amended by L. 1875, Ch. 246, § 1.]

§ 185. Overdriving, torturing and injuring ani-^[See note 12]
mals; failing to provide proper sustenance. A person who overdrives, overloads, tortures or cruelly beats or unjustifiably injures, maims, mutilates or kills any animal, whether wild or tame, and whether belonging to himself or to another, or deprives any animal of necessary sustenance, food or drink, or neglects or refuses to furnish it such sustenance or drink, or causes, procures or permits any animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink, or who wilfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, is guilty of a misdemeanor.

Nothing [in this act] herein contained shall be construed to prohibit or interfere with any properly conducted scientific experiments or investigations, which experiments shall be performed only under the authority of the faculty of some regularly incorporated medical college or university of [the state of New York] this state.

[Penal Code § 655; second ¶, L. 1867, Ch. 375, § 10.]

§ 186. Abandonment of disabled animal. A person being the owner or possessor, or having charge or custody of a maimed, diseased, disabled or infirm animal, who abandons such animal, or leaves it to die in a street, road or public place, or who allows it to lie in a public street, road or public place more than three hours after he receives notice that it is left disabled, is guilty of a misdemeanor. Any agent or officer of the American society

for the prevention of cruelty to animals, or of any society duly incorporated for that purpose, or any police officer, may lawfully destroy or cause to be destroyed any animal found abandoned and not properly cared for, appearing in the judgment of two reputable citizens called by him to view the same in his presence, to be glandered, injured or diseased past recovery for any useful purpose; or after such agent or officer has obtained in writing from the owner of such animal his consent to such destruction. When any person arrested is, at the time of such arrest, in charge of any animal or of any vehicle drawn by or containing any animal, any agent or officer of said society or societies or any police officer may take charge of such animal and of such vehicle and its contents, and deposit the same in a safe place of custody, or deliver the same into the possession of the police or sheriff of the county or place wherein such arrest was made, who shall thereupon assume the custody thereof; and all necessary expenses incurred in taking charge of such property shall be a charge thereon.

[Penal Code § 656, as amended by L. 1888, Ch. 144, § 1; L. 1888, Ch. 490, § 5; L. 1907, Ch. 192, § 1.]

§ 187. Failure to provide proper food and drink to impounded animal. A person who, having impounded or confined any animal, refuses or neglects to supply to such animal during its confinement a sufficient supply of good and wholesome air, food, shelter and water, is guilty of a misdemeanor. In case any [creature] animal shall be at any time impounded as aforesaid, and shall continue to be without necessary food and water for more than twelve successive hours, it shall be lawful for any person, from time to time, and as often as it shall be necessary, to enter into and upon any pound in which any such [creature] animal shall be so confined, and to supply it with necessary food and water, so long as it shall remain so confined; such person shall not be liable to any action for such entry, and the reasonable cost of such food and water may be collected by him of the owner of such [creature] animal, and the said [creature] animal shall not be exempt from levy and sale upon execution issued upon a judgment therefor.

[Penal Code § 657. New matter is L. 1867, Ch. 375, § 4.]

§ 188. Selling or offering to sell or exposing diseased animal. A person who wilfully sells or offers to sell, uses, exposes, or causes or permits to be sold, offered for sale,

used or exposed, any horse or other animal having the disease known as glanders or farcy, or other contagious or infectious disease dangerous to the life or health of human beings, or animals, or which is diseased past recovery, or who refuses upon demand to deprive of life an animal affected with any such disease, is guilty of a misdemeanor.

[Penal Code § 658.]

§ 189. Carrying animal in a cruel manner. A person who carries or causes to be carried in or upon any vessel or vehicle or otherwise, any animal in a cruel or inhuman manner, or so as to produce torture, is guilty of a misdemeanor.

[Penal Code § 659.]

§ 190. Poisoning or attempting to poison animals. A person who unjustifiably administers any poisonous or noxious drug or substance to an animal, or unjustifiably exposes any such drug or substance with intent that the same shall be taken by an animal, whether such animal be the property of himself or another, is guilty of a misdemeanor.

[Penal Code § 660.]

§ 191. Throwing substance injurious to animals in public place. A person who wilfully throws, drops or places, or causes to be thrown, dropped or placed upon any road, highway, street or public place, any glass, nails, pieces of metal, or other substance which might wound, disable or injure any animal, is guilty of a misdemeanor.

[Penal Code § 661, as amended by L. 1885, Ch. 523, § 1.]

§ 192. Keeping milch cows in unhealthy places and feeding them with food producing unwholesome milk. A person who keeps a cow or any animal for the production of milk, in a crowded or unhealthy place, or in a diseased condition, or feeds such cow or animal upon any food that produces impure or unwholesome milk, is punishable by a fine not less than fifty dollars, or imprisonment not exceeding one year, or by both.

[Penal Code § 662.]

§ 193. Transporting animals for more than twenty-four consecutive hours without unloading. A railway corporation, or an owner, agent, consignee, or person in charge of any horses, sheep, cattle, or swine, in the course of, or for transportation, who confines, or causes or suffers the same to be confined, in cars for a longer period than twenty-four

consecutive hours, without unloading for rest, water and feeding, during ten consecutive hours, unless prevented by storm or inevitable accident, is guilty of a misdemeanor. In estimating such confinement, the time during which the animals have been confined without rest, on connecting roads from which they are received, must be computed. If the owner, agent, consignee, or other person in charge of any such animals refuses or neglects upon demand to pay for the care or feed of the animals while so unloaded or rested, the railway company, or other carriers thereof, may charge the expense thereof to the owner or consignee and shall have a lien thereon for such expense.

[Penal Code § 663.]

§ 194. Running horses on highway. A person driving any vehicle upon any plank road, turnpike or public highway, who unjustifiably runs the horses drawing the same, or causes, or permits them to run, is guilty of a misdemeanor.

[Penal Code § 666, as amended by L. 1902, Ch. 266, § 1; L. 1904, Ch. 539, § 1.]

[See note 10] **§ 195. Leaving state to avoid provisions of this article.** A person who leaves this state with intent to elude any of the provisions of this **[title]** article or to commit any act out of this state which is prohibited by them, or who, being a resident of this state, does any act without this state, pursuant to such intent, which would be punishable under such provisions, if committed within this state, is punishable in the same manner as if such act had been committed within this state.

[Penal Code § 667.]

[See note 10] **§ 196. To whom fines and penalties are to be paid.**

All fines, penalties or forfeitures imposed or collected for a violation of the provisions of this **[title]** article, or of any act for the prevention of cruelty to animals, now in force or hereafter passed, must be paid on demand to the American Society for the Prevention of Cruelty to Animals; except where the prosecution shall be instituted or conducted by a society for the prevention of cruelty to animals duly incorporated under the general laws of this state, in which case such fine, penalty or forfeiture must be paid on demand to such society. A constable or police officer must, and any agent or officer of any of said societies may, arrest and bring before a court or magistrate having jurisdiction, any person offending against any of the provisions of this **[title]** article. Any officer or agent of any of said societies may lawfully inter-

ferre to prevent the perpetration of any act of cruelty upon any animal in his presence. Any person who shall interfere with or obstruct any such officer or agent in the discharge of his duty[,] shall be guilty of a misdemeanor. Any of said societies may prefer a complaint before any court, tribunal or magistrate having jurisdiction, for the violation of any law relating to or affecting animals and may aid in presenting the law and facts before such court, tribunal or magistrate in any proceeding taken. The officers and agents of all duly incorporated societies for the prevention of cruelty to animals or children are hereby declared to be peace officers within the provisions of section one hundred and fifty-four of the code of criminal procedure.

[Penal Code § 668, as amended by L. 1888, Ch. 144, § 3; L. 1888, Ch. 490, § 6.]

[REFERENCES FOR OTHER SUBJECTS:

Animals: Dangerous on highways, *see* Malicious Mischief, § 1425.

Death of human being caused by, *see* Homicide, § 1052.

Driving on side-path, *see* Public Safety, § 1908.

Driving on sidewalk, *see* Public Safety, § 1907.

False pedigree, *see* Frauds and Cheats, § 933.

Killing, wounding and trapping, *see* Malicious Mischief, § 1425.

Appointment to office: Avoided by a conviction, *see* Public Offices and Officers, § 1834.

Corrupt bargain for, *see* Public Offices and Officers, § 1832.]

ARTICLE 18

Apprentices

Section 210. Taking apprentice without consent of guardian.

§ 210. Taking apprentice without consent of guardian. A person who takes an apprentice without having first obtained the consent of his legal guardian or unless a written agreement has been entered into as prescribed by law, is guilty of a misdemeanor.

[Penal Code § 292b, added by L. 1893, Ch. 692, § 2.]

[REFERENCES FOR OTHER SUBJECTS:

Arrest: Dead human body, *see* Sepulture, § 2219.

Refusing to aid officer in making, *see* Public Offices and Officers, § 1848.

Refusing to make, on order of a magistrate, *see* Public Offices and Officers, § 1849.

Without lawful authority, *see* Public Offices and Officers, § 1846.]

ARTICLE 20**Arson***Section 220. Definitions.*

221. *Arson in first degree.*

222. *Arson in second degree.*

223. *Arson in third degree.*

224. *Punishment for arson.*

225. *Intent to destroy building requisite.*

226. *Contiguous buildings.*

227. *Ownership of building.*

[See note 13] § 220. Definitions.

Building. Any house, vessel, or other structure, capable of affording shelter for human beings, or appurtenant to, or connected with a structure so adapted, is a "building" within the meaning of this [chapter] article.

Inhabited building. A building is deemed an "inhabited building" within the meaning of this [chapter] article, any part of which has usually been occupied by a person lodging therein at night.

Night time. The words "night time," as used in this [chapter] article, include the period between sunset and sunrise, and every building or structure, which shall have been usually occupied by persons lodging therein at night, is a dwelling-house within the meaning of this [chapter] article.

[Penal Code §§ 492, 493, 494.]

§ 221. Arson in first degree. A person who wilfully burns, or sets on fire, in the night time: [either]

1. A dwelling-house in which there is, at the time, a human being; or,

2. A car, vessel, or other vehicle, or a structure or building other than a dwelling-house, wherein, to the knowledge of the offender, there is, at the time, a human being,

Is guilty of arson in the first degree.

[Penal Code § 486.]

§ 222. Arson in second degree. A person who:

1. Commits an act of burning in the day time, which, if committed in the night time, would be arson in the first degree; or,

2. Wilfully burns, or sets on fire, in the night time, a dwelling-house, wherein, at the time, there is no human being; or,

3. Wilfully burns, or sets on fire, in the night time, a building not inhabited, but adjoining or within the curtilage of an inhabited building, in which there is, at the time, a human being, so that the inhabited building is endangered, even though it is not in fact injured by the burning; or,

4. Wilfully burns, or sets on fire, in the night time, a car, vessel, or other vehicle, or a structure or building, ordinarily occupied at night by a human being, although no person is within it at the time,

Is guilty of arson in the second degree.

[Penal Code § 487.]

§ 223. Arson in third degree. A person who wilfully burns, or sets on fire: [either]

1. A vessel, car, or other vehicle, or a building, structure, or other erection, which is at the time insured against loss or damage by fire, with intent to prejudice the insurer thereof; or,

2. A vessel, car, or other vehicle, or a building, structure, or other erection, under circumstances not amounting to arson in the first or second degree,

Is guilty of arson in the third degree.

[Penal Code § 488.]

§ 224. Punishment for arson. Arson is punishable as follows:

1. In the first degree, by imprisonment for a term not exceeding forty years.

2. In the second degree, by imprisonment for a term not exceeding twenty-five years.

3. In the third degree, by imprisonment for a term not exceeding fifteen years.

[Penal Code § 489, as amended by L. 1892, Ch. 662, § 12; L. 1895, Ch. 902, § 1; L. 1897, Ch. 549, § 1.]

§ 225. Intent to destroy building requisite. The burning of a building under circumstances which **[shows]** show beyond a reasonable doubt that there was no intent to destroy it, is not arson.

[Penal Code § 490.]

§ 226. Contiguous buildings. Where an appurtenance to a building is so situated with reference to such building, or where any building is so situated with reference to another building that the burning of the one will manifestly endanger the other, a burning of the one is deemed the burning of the other, within the foregoing provisions, against any person actually participating in the original setting on fire, as of the moment when the fire from the one communicates to and sets on fire the other.

[Penal Code § 491.]

§ 227. Ownership of building. To constitute arson it is not necessary that another person than the defendant should have had ownership in the building set on fire.

[Penal Code § 495.]

ARTICLE 22

Assault

Section 240. Assault in first degree defined.

241. *Punishment for assault in first degree.*

242. *Assault in second degree.*

243. *Punishment for assault in second degree.*

244. *Assault in third degree.*

245. *Punishment for assault in third degree.*

246. *Use of force not unlawful in certain cases.*

§ 240. Assault in first degree defined. A person who, with an intent to kill a human being, or to commit a felony upon the person or property of the one assaulted, or of another:

1. Assaults another with a loaded fire arm, or any other deadly weapon, or by any other means or force likely to produce death; or,

2. Administers to or causes to be administered to or taken by another, poison, or any other destructive or noxious thing, so as to endanger the life of such other,

Is guilty of assault in the first degree.

[Penal Code § 217.]

§ 241. Punishment for assault in first degree.

Assault in the first degree is punishable by imprisonment for a term not exceeding ten years.

[Penal Code § 220, as amended by L. 1892, Ch. 662, § 6.]

§ 242. Assault in second degree. A person who, under circumstances not amounting to the crime specified in [the last] section two hundred and forty,

1. With intent to injure, unlawfully administers to, or causes to be administered to, or taken by another, poison, or any other destructive or noxious thing, or any drug or medicine the use of which is dangerous to life or health; or,

2. With intent thereby to enable or assist himself or any other person to commit any crime, administers to or causes to be administered to, or taken by another, chloroform, ether, laudanum, or any other intoxicating narcotic or anæsthetic agent; or,

3. Wilfully and wrongfully wounds or inflicts grievous bodily harm upon another, either with or without a weapon; or,

4. Wilfully and wrongfully assaults another by the use of a weapon, or other instrument or thing likely to produce grievous bodily harm; or,

5. Assaults another with intent to commit a felony, or to prevent or resist the execution of any lawful process or mandate of any court or officer, or the lawful apprehension or detention of himself, or of any other person,

Is guilty of [an] assault in the second degree.

[Penal Code § 218, as amended by L. 1882, Ch. 384, § 1.]

§ 243. Punishment for assault in second degree.

Assault in the second degree is punishable by imprisonment in a penitentiary or state prison for a term not exceeding five years, or by a fine of not more than one thousand dollars, or both.

[Penal Code § 221, as amended by L. 1892, Ch. 662, § 7.]

§ 244. Assault in third degree. A person who commits an assault, or an assault and battery, not such as is specified in [the foregoing] sections two hundred and forty and two hundred and forty-two [of this chapter], is guilty of assault in the third degree.

[Penal Code § 219.]

§ 245. Punishment for assault in third degree.

Assault in the third degree is punishable by imprisonment for not more than one year, or by a fine of not more than five hundred dollars, or both.

[Penal Code § 222.]

§ 246. Use of force not unlawful in certain cases.

To use or attempt, or offer to use, force or violence upon or towards the person of another is not unlawful in the following cases:

1. When necessarily committed by a public officer in the performance of a legal duty; or by any other person assisting him or acting by his direction;

2. When necessarily committed by any person in arresting one who has committed a felony, and delivering him to a public officer competent to receive him in custody;

3. When committed either by the party about to be injured or by another person in his aid or defense, in preventing or attempting to prevent an offense against his person, or a trespass or other unlawful interference with real or personal property in his lawful possession, if the force or violence used is not more than sufficient to prevent such offense;

4. When committed by a parent or the authorized agent of any parent, or by any guardian, master, or teacher, in the exercise of a lawful authority to restrain or correct his child, ward, apprentice or scholar, and the force or violence used is reasonable in manner and moderate in degree;

5. When committed by a carrier of passengers, or the authorized agents or servants of such carrier, or by any person assisting them, at their request, in expelling from a carriage, railway car, vessel or other vehicle, a passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force or violence used is not more than sufficient to expel the offending passenger, with a reasonable regard to his personal safety;

6. When committed by any person in preventing an idiot, lunatic, insane person, or other person of unsound mind, including persons temporarily or partially deprived of reason, from committing an act dangerous to himself or to another, or in enforcing such restraint as is necessary for the protection of his person or for his restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of his person.

[Penal Code § 223.]

[REFERENCES FOR OTHER SUBJECTS:

Assignment, house of; definition, *see* Construction of Terms, § 3.

Attaching dead human body, *see* Sepulture, § 2219.]

ARTICLE 24

Attempt to Commit Crime

Section 260. Attempt to commit crime.

261. Punishment for attempt to commit crime.

262. Restrictions under preceding section.

§ 260. Attempt to commit crime. A person may be convicted of an attempt to commit a crime, although it appears on the trial that the crime was consummated, unless the court, in its discretion, discharges the jury and directs the defendant to be tried for the crime itself.

[Penal Code § 685.]

§ 261. Punishment for attempt to commit crime.

A person who unsuccessfully attempts to commit a crime is indictable and punishable, unless otherwise specially prescribed by statute, as follows:

1. If the crime attempted is punishable by the death of the offender, or by imprisonment for life, the person convicted of the attempt is punishable by imprisonment for not more than twenty-five years.

2. In any other case, he is punishable by imprisonment for not more than half of the longest term, or by a fine not more than one-half of the largest sum prescribed upon a conviction for the commission of the offense attempted, or by both such fine and imprisonment.

[Penal Code § 686, as amended by L. 1902, Ch. 116, § 1.]

§ 262. Restrictions upon preceding section. [The last] Section two hundred and sixty-one does not protect a person who, in attempting unsuccessfully to commit a crime, accomplishes the commission of another and different crime, whether greater or less in guilt, from suffering the punishment prescribed by law for the crime committed.

[Penal Code § 687.]

[REFERENCES FOR OTHER SUBJECTS:

Attempt to commit crime; definition, *see* Definitions, § 2.]

ARTICLE 26**Attorneys**

Section 270. Practicing or appearing as attorney without being admitted and registered.

271. None but attorneys to practice in New York city.

272. Penalty for violation of last section.

273. Misconduct by attorneys.

274. Buying demands on which to bring an action.

275. Limitation of preceding section.

276. Application when party prosecutes in person or by a corporation.

277. Use of attorney's name by another.

278. Attorneys forbidden to defend criminal prosecutions carried on by their partners, or formerly by themselves.

279. Attorneys may defend themselves.

§ 270. Practicing or appearing as attorney without being admitted and registered. [On and after July first, eighteen hundred and ninety-nine,] It shall be unlawful for any person to practice or appear as an attorney-at-law or as attorney and counselor-at-law for another in a court of record in this state or in any court in the county of New York or in the county of Kings, or to make it a business to practice as an attorney-at-law or as an attorney and counselor-at-law for another in any of said courts, or to hold himself out to the public as being entitled to practice law as aforesaid, or in any other manner, or to assume to be an attorney or counselor-at-law, or to assume, use, or advertise the title of lawyer, or attorney and counselor-at-law, or attorney-at-law, or counselor-at-law, or attorney, or counselor, or attorney and counselor, or equivalent terms in any language, in such manner as to convey the impression that he is a legal practitioner of law or in any manner to advertise that he either alone or together with any other persons or person, has, owns, conducts or maintains a law office or law and collection office, or office of any kind for the practice of law, without having first

been duly and regularly licensed and admitted to practice law in the courts of record of this state, or, in case of persons licensed and admitted prior to July first, eighteen hundred and forty-seven, without having first been duly and regularly licensed and admitted to practice as attorney of or in the then supreme court or as solicitor in chancery or of the court of chancery, and without having taken the constitutional oath and without having subscribed and taken the oath or affirmation required by [the first] section [of this act] four hundred and sixty-eight of the judiciary law and filed the same in the office of the clerk of the court of appeals as required by said [first] section [of this act]. Any person violating the provisions of this section is guilty of a misdemeanor and it shall be the duty of the district attorneys to enforce the provisions of this [act] section and to prosecute all violations thereof.

[L. 1898, Ch. 165, § 4, as amended by L. 1899, Ch. 225, § 2.]

§ 271. None but attorneys to practice in New York city. A person shall not ask or receive, directly or indirectly, compensation for appearing as attorney in a court or before any magistrate in the city of New York, or make it a business to practice as an attorney in a court or before a magistrate in said city, unless he has been regularly admitted to practice, as an attorney or counselor, in the courts of record of the state.

[Code Civil Procedure § 63.]

§ 272. Penalty for violation of last section. A person who violates the last section is guilty of a misdemeanor, and shall be punished by imprisonment in the county jail, not exceeding one month, or by a fine of not less than one hundred dollars or more than two hundred and fifty dollars, or by both such fine and imprisonment.

But this and the last section do not apply to a case where a person appears in a cause to which he is a party.

[Code Civil Procedure § 64, pt. For remainder of section, see § 1877.]

See note 14] **§ 273. Misconduct by attorneys.** An attorney or counselor who:

1. Is guilty of any deceit or collusion, or consents to any deceit or collusion, with intent to deceive the court or any party [as prohibited by section 70 of the code of civil procedure]; or,

2. Wilfully delays his client's suit with a view to his own gain; or, wilfully receives any money or allowance for or on account of any money which he has not laid out, or become answerable for, [as prohibited by section 71 of the code of civil procedure]

Is guilty of a misdemeanor, and in addition to the punishment prescribed therefor by this [code] chapter, he forfeits to the party injured treble damages, to be recovered in a civil action.

[Penal Code § 148; Code Civil Procedure §§ 70, 71.]

[§ 136. An attorney or counselor who violates section 73 of the code of civil procedure, relating to buying demands, or section 74 of the code of civil procedure relating to certain promises and gifts, is guilty of a misdemeanor.]

[See note 15] **§ 274. Buying demands on which to bring an action.**

[Attorney not to buy claim.]

An attorney or counselor shall not:

1. Directly or indirectly, buy, or be in any manner interested in buying, a bond, promissory note, bill of exchange, book debt, or other thing in action, with the intent and for the purpose of bringing an action thereon.

[An attorney or counselor shall not,]

2. By himself, or by or in the name of another person, either before or after action brought, promise or give, or procure to be promised or given, a valuable consideration to any person, as an inducement to placing, or in consideration of having placed, in his hands, or in the hands of another person, a demand of any kind, for the purpose of bringing an action thereon, or of representing the claimant in the pursuit of any civil remedy for the recovery

thereof. But this [section] subdivision does not apply to an agreement between attorneys and counselors, or either, to divide between themselves the compensation to be received.

[Penalty.]

An attorney or counselor, who violates either of the [last two sections] preceding subdivisions of this section, is guilty of a misdemeanor; and, on conviction thereof, shall be punished accordingly, and must be removed from office by the supreme court.

[Subd. 1, Penal Code § 136, Code Civil Procedure § 73; subd. 2, Code Civil Procedure § 74; subd. 3, Penal Code § 139, Code Civil Procedure § 75.]

§ 275. Limitation of preceding section. The last [three sections do] section does not prohibit the receipt, by an attorney or counselor, of a bond, promissory note, bill of exchange, book debt, or other thing in action, in payment for property sold, or for services actually rendered, or for a debt antecedently contracted; or from buying or receiving a bill of exchange, draft, or other thing in action for the purpose of remittance, and without intent to violate [either of those sections] that section. [See note 15]

[Penal Code § 140; Code Civil Procedure § 76.]

§ 276. Application when party prosecutes in person or by a corporation. The last [four] two sections apply to a person prosecuting an action in person and to a corporation engaged in the business of conducting litigation and providing counsel therefor, who or which does an act which an attorney or counselor is therein forbidden to do. [See note 15]

[Code Civil Procedure § 77.]

§ 277. Use of attorney's name by another. If an attorney knowingly permits any person, not being his general law partner or a clerk in his office, to sue out any process or to prosecute or defend any action in his name, except as authorized by [the next] this section, such attorney, and every person who shall so use his name, is guilty of a misdemeanor.

Whenever an action or proceeding is authorized by law to be prosecuted or defended in the name of the people, or of any public officer, board of officers, or municipal corporation, on behalf of

another party, the attorney-general, or district attorney, or attorney of such public officer or board or corporation may permit any proceeding therein, to be taken in his name by an attorney to be chosen by the party in interest.

[Penal Code §§ 149, 150.]

[See note 16] **§ 278. Attorneys forbidden to defend criminal prosecutions carried on by their partners, or formerly by themselves.** An attorney, who directly or indirectly advises in relation to, or aids or promotes the defense of any action or proceeding in any court, the prosecution of [] which is carried on, aided or promoted by a person as district attorney or other public prosecutor, with whom such attorney is directly or indirectly connected as a partner; or who, having himself prosecuted or in any manner aided or promoted any action or proceeding in any court, as district attorney or other public prosecutor, afterwards directly or indirectly advises in relation to, or takes any part in, the defense thereof, as attorney or otherwise; or who takes or receives any valuable consideration from or on behalf of any defendant in any such action, upon any understanding or agreement whatever, express or implied, having relation to the defense thereof, is guilty of a misdemeanor, and on conviction thereof, shall be punished accordingly, and must be removed from office by the supreme court.

[Penal Code § 670; Code Civil Procedure §§ 78, 79, 80.]

[See note 17] **§ 279. Attorneys may defend themselves.** The last section does not [affect sections seventy-eight, seventy-nine, eighty and eighty-one of the code of civil procedure, and does not] prohibit an attorney from defending himself in person, as attorney or as counsel, when prosecuted either civilly or criminally.

[Penal Code § 671; Code Civil Procedure § 81.]

[REFERENCES FOR OTHER SUBJECTS:

Attorneys; judge in New York city permitting persons to practice who have not been admitted, *see* Public Offices and Officers, § 1877.

Badges, unlawful wearing, *see* Societies and Orders, § 2240.

Baled hay and straw, *see* Weights and Measures, § 2417.]

ARTICLE 28

Banking

- Section* 290. *Misconduct of directors of banking corporations.*
 291. *Sale or hypothecation of bank notes by officer.*
 292. *Officer of bank putting excessive number of its notes in circulation.*
 293. *Officer or agent of banking corporation making guaranty or indorsement, in its behalf, beyond the legal limit.*
 294. *Bank officer overdrawing his account or asking for or receiving commissions or gratuities from persons procuring loans or making overdrafts of their accounts.*
 295. *Receiving deposits in insolvent bank.*
 296. *Unlawful investments by officers of savings banks.*
 297. *Misconduct by directors of moneyed corporations.*
 298. *Misconduct by banks and bankers.*
 299. *Unlawful discount of bills of foreign banks.*
 300. *Misconduct by officers of banking department.*
 301. *Using dies and plates of extinct state bank.*
 302. *Unauthorized use of the term "bank."*

§ 290. Misconduct of directors of banking corporations. A director of a corporation, organized under the laws of this state, having banking powers, who concurs in any vote or act of the directors of such corporation, or any of them, by which it is intended[, either]:

1. To make a loan, or discount, by which the whole amount of the loans and discounts of the corporation shall be greater than the amount allowed by law, or, where there is no express statutory limitation of the amount, greater than three times its capital stock then paid in and actually possessed; or,

2. To make a loan or discount to any director of such corporation, or upon paper upon which any such director is responsible to an amount exceeding the amount allowed by statute, or where there is no express statutory limitation of the amount, exceeding in the aggregate one-third of the capital stock of such corporation, then paid in and actually possessed,

Is guilty of a misdemeanor.

Nothing in [the last] this section shall render any loan made by the directors of any such corporation, in violation thereof, invalid.

[Penal Code §§ 595, 596.]

§ 291. Sale or hypothecation of bank notes by officer. An officer or agent of any corporation having banking powers, who sells, or causes or permits to be sold, any bank notes of such corporation, or pledges or hypothecates, or causes or permits to be pledged or hypothecated, with any other corporation, association or individual, any such notes, as a security for a loan or for any liability of such corporation, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding five thousand dollars, or both.

[Penal Code § 597.]

§ 292. Officer of bank putting excessive number of its notes in circulation. An officer or agent of any corporation having banking powers, who issues or puts in circulation, or causes or permits to be issued or put in circulation, the bank notes of such corporation to an amount, which, together with previous issues, leaves in circulation or outstanding a greater amount of notes than such corporation is allowed by law to issue and circulate, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding five thousand dollars, or both.

[Penal Code § 598.]

§ 293. Officer or agent of banking corporation making guaranty or indorsement, in its behalf, beyond the legal limit. An officer or agent of any banking corporation, who makes or delivers any guaranty or indorsement on behalf of such corporation, whereby it may become liable on any of its discounted notes, bills or obligations, in a sum beyond the amount of loans and discounts which such corporation may legally make, is guilty of a misdemeanor.

[Penal Code § 599.]

§ 294. Bank officer overdrawing his account or asking for or receiving commissions or gratuities from persons procuring loans or making overdrafts of their accounts. An officer, director, agent, teller, clerk or employee of any bank, banking association, savings bank or trust company, who [either]:

1. Knowingly overdraws his account with such bank, banking association, savings bank or trust company, and thereby obtains the money, notes or funds of any such bank, banking association, savings bank or trust company; or,

2. Asks or receives, or consents or agrees to receive, any commission, emolument, gratuity or reward, or any promise of any commission, emolument, gratuity or reward, or any money, property or thing of value or of personal advantage, for procuring or endeavoring to procure for any person, firm or corporation, any loan from, or the purchase or discount of any paper, note, draft, check or bill of exchange, by any such bank, banking association, savings bank or trust company, or for permitting any person, firm or corporation to overdraw any account with such bank, banking association, savings bank or trust company,

Is guilty of a misdemeanor.

[Penal Code § 600, as amended by L. 1905, Ch. 248, § 1.]

§ 295. Receiving deposits in insolvent bank. An officer, agent, teller or clerk of any bank, banking association or savings bank, and every individual banker or agent, and every private banker or agent and any teller or clerk of an individual banker, or of a private banker who receives any deposit, knowing that such bank or association or banker is insolvent, is guilty of a misdemeanor, if the amount or value of such deposit be less than twenty-five dollars; if the amount or value of such deposit be twenty-five dollars or over, such person shall be guilty of a felony, punishable by imprisonment for not less than one nor more than five years, or by a fine of not less than five hundred nor more than three thousand dollars, or by both.

[Penal Code § 601, as amended by L. 1902, Ch. 148, § 1.]

§ 296. Unlawful investments by officers of savings banks. Any officer or trustee of a savings bank authorizing or making any investment of the funds of the bank in securities, not authorized by law, is guilty of a misdemeanor.

[Penal Code § 602, as amended by L. 1892, Ch. 662, § 21; L. 1892, Ch. 692, § 1.]

§ 297. Misconduct by directors of moneyed corporations. Every director of a moneyed corporation who:

1. In case of the fraudulent insolvency of such corporation, shall have participated in such fraud; or,

2. Wilfully does any act as such director which is expressly forbidden by law, or wilfully omits to perform any duty imposed upon him as such director by law,

Is guilty of a misdemeanor, if no other punishment is prescribed therefor by law.

The insolvency of a moneyed corporation is deemed fraudulent unless its affairs appear upon investigation to have been administered fairly, legally and with the same care and diligence that agents receiving a compensation for their services are bound, by law, to observe.

[Penal Code § 603, as amended by L. 1892, Ch. 692, § 1.]

§ 298. Misconduct by banks and bankers. Any moneyed corporation or individual banker authorized to carry on the business of banking under the laws of this state who:

1. Receives, pays out, gives or offers in payment as money to circulate, or who attempts to circulate as money, any bill, note or other evidence of debt issued or purporting to have been issued by any corporation or individual, situated or residing without this state, and which bill, note or other evidence of debt shall, upon any part thereof, purport to be payable or redeemable at any place or by any corporation or individual within this state; or,

2. Issues, utters or circulates, as money, or in any way, directly or indirectly, aids or assists in the issuing, uttering or circulating as money within this state, of any bank bill, note or other evidence of debt in the similitude of a bank note issued or purporting to have been issued by any corporation or individual situated or residing without this state; or procures or receives, in any manner whatever, any such bank bill, note or other evidence of debt with intent to issue, utter or circulate, or with intent to aid in issuing, uttering or circulating the same as money within this state; or,

3. Directly or indirectly lends or pays out for paper discounted or purchased any bank bill, note or other evidence of debt, which is not received at par by such corporation or banker for debts due such corporation or banker; or,

4. Issues or puts in circulation any bank bill or note of any such corporation or banker, unless the same shall be made payable on demand and without interest, except bills of exchange on foreign countries or places beyond the limits or jurisdiction of the United States,

Is guilty of a misdemeanor.

Nothing in this section contained shall be construed to prohibit any such corporation or banker from receiving and paying out such foreign bank bills as they shall receive at par in the ordinary course of their business, or to prohibit such corporation or banker from receiving foreign notes from their dealers and customers in the regular and usual course of their business, at a rate of discount not exceeding that which is or shall be at the time fixed by

law, for the redemption of the bills of the banks of this state at their agencies, or from obtaining from the corporations, associations or individuals by which such foreign notes are made, the payment or redemption thereof.

[Penal Code § 604, as amended by L. 1892, Ch. 692, § 1.]

§ 299. Unlawful discount of bills of foreign banks. Any person, association or corporation within the state who, directly or indirectly, on any pretense whatever, procures or receives or offers to receive from any corporation or person any bank bill or note or other evidence of debt in the similitude of a bank note issued or purporting to have been issued by any corporation or individual, situated or residing without this state, at a greater rate of discount than is or shall be at the time fixed by law for the redemption of the bills of the banks of this state at their agencies, is guilty of a misdemeanor.

[Penal Code § 605, as amended by L. 1892, Ch. 692, § 1.]

§ 300. Misconduct by officers of banking department. The superintendent of banks, or any officer in the banking department who countersigns bills or notes for any person or corporation exceeding the value of the interest bearing stocks of the state of New York or of the United States, or other securities deposited with such superintendent by such person or corporation on account thereof, is guilty of a felony, punishable by a fine of not less than five thousand dollars or by imprisonment for not less than five years, or by both.

[Penal Code § 606, as amended by L. 1892, Ch. 692, § 1.]

§ 301. Using dies and plates of extinct state bank. Any person who uses the dies and plates of a state bank in the manufacture of notes and bills, after such bank has become a national bank in pursuance of law, is guilty of a misdemeanor.

[Penal Code § 607, added by L. 1892, Ch. 692, § 1.]

§ 302. Unauthorized use of the term "bank." Any person engaged in banking in this state, not subject to the supervision of the superintendent of banks, and not required by law to report to such superintendent, who was not engaged in such banking before May twenty-third, eighteen hundred and eighty-five, who:

1. Uses an office sign at the place where such business is transacted, having thereon any artificial or corporate name, or other words indicating that such place or office is the place or office of a bank; or,

2. Uses or circulates any letter-heads, bill-heads, blank notes, blank receipts, certificates, circulars or any written or printed paper whatever, having thereon any artificial or corporate name, or other word or words indicating that such business is the business of a bank,

Is guilty of a misdemeanor.

[Penal Code § 609, as amended by L. 1892, Ch. 692, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Banking: Director defined, *see* Corporations, § 667.

Frauds in preparing accounts, *see* Corporations, § 668.

Misconduct of corporate elections, *see* Corporations, § 669.

Presumption of knowledge of condition by directors, *see* Corporations, § 667.

Barbering on Sunday, *see* Sabbath, § 2153.]

ARTICLE 30

Barratry

Section 320. Common barratry defined.

321. *Barratry a misdemeanor.*

322. *Proof required to convict of barratry.*

323. *Interest no defense to prosecution for barratry.*

324. *Commencing action in the name of another person without latter's consent.*

§ 320. Common barratry defined. Common barratry is the practice of exciting groundless judicial proceedings.

[Penal Code § 132.]

§ 321. Barratry a misdemeanor. Common barratry is a misdemeanor.

[Penal Code § 133.]

§ 322. Proof required to convict of barratry. No person can be convicted of common barratry, except upon proof that he has excited actions or legal proceedings, in at least three instances, and with a corrupt or malicious intent to vex and annoy.

[Penal Code § 134.]

§ 323. Interest no defense to prosecution for barratry. Upon a prosecution for common barratry, the fact that the defendant was himself a party in interest or upon the record

to any action or legal proceeding complained of, is not a defense.

[Penal Code § 135.]

§ 324. Commencing action in the name of another person without latter's consent. [If] A person who ^[See note 18] vexatiously or maliciously, in the name of another but without the latter's consent, or in the name of an unknown person, commences or continues, or causes to be commenced or continued, an action or special proceeding, in a court, of record or not of record, or a special proceeding before a judge or a justice of the peace; or takes, or causes to be taken, any proceeding, in the course of an action or special proceeding in such a court, or before such an officer, either before or after judgment or other final determination, [; an action, to recover damages therefor, may be maintained against him, by the adverse party to the action or special proceeding; and a like action may be maintained by the person, if any, whose name was thus used. He is also] is guilty of a misdemeanor, punishable by imprisonment, not exceeding six months.

[Code Civil Procedure § 1900.]

[REFERENCES FOR OTHER SUBJECTS:

Bawdyhouse, *see* Indecency.

Begging; children, *see* Children.

Bets, *see* Gambling; Prize-fighting and Sparring, § 1712.

Bicycle racing, *see* Exhibitions, § 832.

Bicycles; riding on foot-path or sidewalk, *see* Public Safety, § 1909.]

ARTICLE 32

Bigamy

Section 340. Definition and punishment of bigamy.

341. *Exceptions.*

342. *In what county indictment for bigamy may be found; place of trial.*

343. *Punishment of consort.*

§ 340. Definition and punishment of bigamy. A person who, having a husband or wife living, marries another per-

son, is guilty of bigamy and is punishable by imprisonment in a penitentiary or state prison for not more than five years.

[Penal Code § 298.]

§ 341. Exceptions. The last section does not extend:

1. To a person whose former husband or wife, has been absent for five years successively then last past, without being known to him or her within that time to be living, and believed by him or her to be dead; or,

2. To a person whose former marriage has been pronounced void, or annulled, or dissolved, by the judgment of a court of competent jurisdiction, for a cause other than his or her adultery; or,

3. To a person who, being divorced for his or her adultery, has received from the court which pronounced the divorce, permission to marry again; or,

4. To a person whose former husband or wife has been sentenced to imprisonment for life.

[Penal Code § 299.]

§ 342. In what county indictment for bigamy may be found; place of trial. An indictment for bigamy may be found in the county in which the defendant is arrested, and the like proceedings, including the trial, judgment, and conviction, may be had in that county, as if the offense were committed therein.

[Penal Code § 300.]

§ 343. Punishment of consort. A person who knowingly enters into a marriage with another, which is prohibited to the latter by the foregoing provisions of this [chapter] article is punishable by imprisonment in a penitentiary or state prison, for not more than five years, or by a fine of not more than one thousand dollars, or both.

[Penal Code § 301.]

ARTICLE 34

Bills of Lading, Receipts and Vouchers

Section 360. Fictitious bills of lading, receipts and vouchers.

361. Offenses by pipe-line corporations.

362. Erroneous bills of lading or receipts, issued in good faith, excepted.

363. Duplicate receipts must be marked "duplicate."

364. Selling, hypothecating or pledging property received for transportation or storage.

Section 365. Bill of lading or receipt issued by warehouseman must be canceled on redelivery of the property.

366. Property demanded by process of law.

367. Penalty for failure to issue bill of lading.

§ 360. Fictitious bills of lading, receipts and vouchers. A person who:

[1.] Being the master, owner or agent of any vessel, or officer or agent of any railway, express or transportation company, or otherwise being or representing any carrier, [who] delivers any bill of lading, receipt or other voucher, by which it appears that merchandise of any kind has been shipped on board a vessel, or delivered to a railway, express or transportation company, or other carrier, unless the same has been so shipped or delivered and is at the time actually under the control of such carrier, or the master, owner or agent of such vessel, or of some officer or agent of such company, to be forwarded as expressed in such bill of lading, receipt or voucher, [or,]

Is guilty of a misdemeanor, punishable by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

[Penal Code § 629, as amended by L. 1892, Ch. 692, § 1.]

§ 361. Offenses by pipe-line corporations. A pipe-line corporation, or a person being the officer, agent, manager or representative thereof, who:

1. Accepts, makes or issues any receipt, certificate or order of any kind for any commodity, unless the commodity represented is actually at the time in the possession of the corporation; or,

2. Delivers to any person any petroleum or other commodity received for transportation by such corporation without the presentation and surrender of all vouchers, receipts, orders or certificates that have been issued or accepted for the same; or,

3. Having parted with the possession of any commodity and having received therefor an order, voucher, receipt or certificate, shall reissue the same, or shall not cause it to be canceled by the word "canceled" stamped or printed legibly across the face thereof, and to be filed and recorded by such corporation, as provided by law,

Is guilty of a misdemeanor.

[Penal Code § 628, as amended by L. 1892, Ch. 692, § 1.]

§ 362. Erroneous bills of lading or receipts, issued in good faith, excepted. No person can be convicted of an

offense under the last two sections, for the reason that the contents of any barrel, box, case, cask or other vessel or package mentioned in the bill of lading, receipt or other voucher did not correspond with the description given in such instrument of the merchandise received, if such description corresponds substantially with the marks, labels or brands upon the outside of such vessel or package, unless it appears that the defendant knew that such marks, labels or brands were untrue.

[Penal Code § 630.]

§ 363. Duplicate receipts must be marked "duplicate." A person mentioned in sections [six hundred and twenty-eight and six hundred and twenty-nine] three hundred and sixty and three hundred and sixty-one, who issues any second or duplicate receipt or voucher, of a kind specified in those sections, at a time while a former receipt or voucher for the merchandise specified in such second receipt is outstanding and uncanceled, without writing across the face of the same the word "duplicate," in a plain and legible manner, is punishable by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

[Penal Code § 631.]

§ 364. Selling, hypothecating or pledging property received for transportation or storage. A person mentioned in sections [six hundred and twenty-eight and six hundred and twenty-nine] three hundred and sixty and three hundred and sixty-one, who sells or pledges any merchandise for which a bill of lading, receipt or voucher has been issued by him, without the consent in writing thereto of the person holding such bill, receipt or voucher, is punishable by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

[Penal Code § 632.]

§ 365. Bill of lading or receipt issued by warehouseman must be canceled on redelivery of the property. A person mentioned in section [six hundred and twenty-nine] three hundred and sixty, who delivers to another any merchandise for which a bill of lading, receipt or voucher has been issued, unless such receipt or voucher bears upon its face the words, "not negotiable," plainly written or stamped, or unless such receipt is surrendered to be canceled at the time of such delivery, or unless, in the case of a partial delivery, a memorandum

thereof is indorsed upon such receipt or voucher, is punishable by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

[Penal Code § 633.]

§ 366. Property demanded by process of law. The last two sections do not apply to any case where property is demanded by virtue of legal process.

[Penal Code § 634.]

§ 367. Penalty for failure to issue bill of lading. [See note 19]

Any person who, being the owner, master or agent of any vessel transporting merchandise or property between ports of this state, departs with such vessel or causes such vessel to depart from the port where such merchandise or property is taken on board, without giving or tendering to the shipper of such merchandise or property, if a bill of lading be demanded by such shipper, a bill of lading or shipping document as provided by section [forty-one] three hundred and ninety-eight of the [domestic commerce] general business law, is guilty of a misdemeanor.

[Penal Code § 634a, added by L. 1898, Ch. 156, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Bills and notes, *see* Negotiable Instruments.
Birth; concealing, *see* Children, § 492.
Blackmail, *see* Extortion and Threats, § 856.
Boarding-house, *see* Hotels.
Body stealing, *see* Sepulture, §§ 2216, 2217.
Book-making, *see* Gambling, § 986.]

ARTICLE 36

Bribery and Corruption

Section 380. Definition of jurors.

381. *Bribery of a judicial officer.*

382. *Officer accepting bribe.*

383. *Juror, arbitrator or referee promising verdict.*

384. *Juror or person authorized to hear or determine accepting bribes.*

385. *Embracery.*

386. *Bribing certain public officers.*

Section 387. Bribery of witnesses.

388. Bribery of labor representatives.

389. Offender a competent witness.

§ 380. Definition of jurors. The word "juror" as used [See note 20] in this [chapter] article includes a talesman, and extends to jurors in all courts, whether of record or not of record, and in special proceedings, and before any officer authorized to impanel a jury in any case or proceeding.

[Penal Code § 81.]

§ 381. Bribery of a judicial officer. A person who gives or offers, or causes to be given or offered, a bribe, or any money, property, or value of any kind, or any promise or agreement therefor, to a judicial officer, juror, referee, arbitrator, appraiser or assessor, or other person authorized by law to hear or determine any question, matter, case, proceeding, or controversy, with intent to influence his action, vote, opinion, or decision thereupon, is punishable by imprisonment for not more than ten years, or by a fine of not more than five thousand dollars, or both.

[Penal Code § 71.]

§ 382. Officer accepting bribe. A judicial officer, a person who executes any of the functions of a public office not [See note 21] designated in [titles six and seven of this code] articles one hundred and twenty-two and one hundred and seventy and in section twenty-three hundred and twenty of this chapter, or a person employed by or acting for the state, or for any public officer in the business of the state, who asks, receives, or agrees to receive a bribe, or any money, property, or value of any kind, or any promise or agreement therefor, upon any agreement or understanding that his vote, opinion, judgment, action, decision or other official proceeding, shall be influenced thereby, or that he will do or omit any act or proceeding, or in any way neglect or violate any official duty, is punishable by imprisonment for not more than ten years, or by fine of not more than five thousand dollars, or both. A conviction also forfeits any office held by the offender, and forever disqualifies him from holding any public office under the state.

[Penal Code § 72.]

§ 383. Juror, arbitrator or referee promising verdict. A juror or a person drawn or summoned to attend as a

juror, or a person chosen arbitrator, or appointed referee, who [either]:

1. Makes any promise or agreement to give a verdict, judgment, report, award, or decision, for or against any party; or,

2. Wilfully receives any communication, book, paper instrument, or information, relating to a cause or matter pending before him, except according to the regular course of proceeding upon the trial or hearing of that cause or matter,

Is guilty of a misdemeanor.

[Penal Code § 73.]

§ 384. Juror or person authorized to hear or determine accepting bribes. A juror, referee, arbitrator, appraiser, or assessor, or other person authorized by law to hear or determine any question, matter, cause, controversy, or proceeding, who asks, receives, or agrees to receive, any money, property, or value of any kind, or any promise or agreement therefor, upon any agreement or understanding that his vote, opinion, action, judgment or decision, shall be influenced thereby, is punishable by imprisonment for not more than ten years, or by fine of not more than five thousand dollars, or both.

[Penal Code § 74.]

§ 385. Embracery. A person who influences or attempts to influence improperly, a juror in a civil or criminal action or proceeding, or one drawn or summoned to attend as such a juror, or one chosen an arbitrator, or appointed a referee, in respect to his verdict, judgment, report, award or decision in any cause or matter pending, or about to be brought before him, in any case, or in any manner not included in the last two sections, is guilty of a misdemeanor.

[Penal Code § 75.]

§ 386. Bribing certain public officers. A person who gives or offers, or causes to be given or offered, a bribe, or any money, property, or value of any kind, or any promise or agreement therefor, to a person executing any of the functions of a public office, other than one of the officers or persons designated in [title six, title seven and section seventy-one of title eight of this code] articles one hundred and twenty-two, one hundred and [See note 22] seventy, and in sections three hundred and eighty-one and twenty-three hundred and twenty of this chapter, with intent to influence him in respect to any act, decision, vote, or other proceeding, in the exercise of his powers or functions, is punishable by imprison-

ment for not more than ten years, or by a fine of not more than five thousand dollars, or both.

[Penal Code § 78.]

§ 387. Bribery of witnesses. A person who is, or is about to be, a witness upon a trial, hearing, or other proceeding, before any court, or any officer authorized to hear evidence or take testimony, who receives, or agrees or offers to receive, a bribe, upon any agreement or understanding that his testimony shall be influenced thereby, or that he will absent himself from the trial, hearing, or other proceeding, is guilty of a felony.

[Penal Code § 80.]

§ 388. Bribery of labor representatives. A person who gives or offers to give any money or other things of value to any duly appointed representative of a labor organization with intent to influence him in respect to any of his acts, decisions, or other duties as such representative, or to induce him to prevent or cause a strike by the employees of any person or corporation, is guilty of a misdemeanor; and no person shall be excused from attending and testifying, or producing any books, papers or other documents before any court or magistrate, upon any investigation, proceeding or trial, for a violation of this section, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding.

[Penal Code § 447f, added by L. 1904, Ch. 659, § 1.]

§ 389. Offender a competent witness. A person offending against any provision of any [foregoing] section[s] of this [code] chapter relating to bribery and corruption, is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding, or investigation, in the same manner as any other person. But the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying. A person so testifying to the giving of a bribe which has been accepted, shall not thereafter be liable to indictment, prosecution, or punishment

for that bribery, and may plead or prove the giving of testimony accordingly, in bar of such an indictment or prosecution.

[Penal Code § 79.]

[REFERENCES FOR OTHER SUBJECTS:]

Bribery and corruption: Bribing elector in military service of United States, *see* Elective Franchise, § 771.

Bribing executive officer of state, *see* Public Office and Officers, §§ 1822, 1823.

Bribing members of legislature, *see* Legislature, §§ 1297, 1298.

Bribing to commit perjury, *see* Evidence, § 813.

Buildings: Damaging by explosion, *see* Malicious Mischief, § 1420.

Letting for lottery purposes, *see* Lotteries, § 1381.

Setting fire to, *see* Arson, §§ 220-227.

Used for anarchistic meetings, *see* Anarchy, § 163.

Used as nuisances, *see* Nuisances, § 1533.]

ARTICLE 38

Burglary

Section 400. Definitions.

401. *Dwelling-houses, when deemed separate.*

402. *Burglary in first degree.*

403. *Burglary in second degree.*

404. *Burglary in third degree.*

405. *Unlawfully entering building.*

406. *Punishment for separate crime committed in building by burglar.*

407. *Punishment for burglary.*

408. *Burglar's instruments.*

§ 400. Definitions.

Break. The word "break," as used in this [chapter] article, means and includes:

1. Breaking or violently detaching any part, internal or external, of a building; or,

2. Opening, for the purpose of entering therein, by any means whatever, any outer door of a building, or of any apartment or set of apartments therein separately used or occupied, or any

window, shutter, scuttle, or other thing, used for covering or closing an opening thereto or therein, or which gives passage from one part thereof to another; or,

3. Obtaining an entrance into such a building or apartment, by any threat or artifice used for that purpose, or by collusion with any person therein; or,

4. Entering such a building or apartment by or through any pipe, chimney, or other opening, or by excavating, digging, or breaking through or under the building, or the walls or foundation thereof.

Building. The term "building," as used in this [chapter] article, includes a railway car, vessel, booth, tent, shop, inclosed ginseng garden, or other erection or inclosure.

Dwelling-house. A building, any part of which is usually occupied by a person lodging therein at night, is, for the purposes of this [chapter] article deemed a dwelling-house.

Enter. The word "enter," as used in this [chapter] article, includes the entrance of the offender into such building or apartment, or the insertion therein of any part of his body or of any instrument or weapon held in his hand, and used, or intended to be used, to threaten or intimidate the inmates, or to detach or remove property.

[Penal Code § 499; § 504, as amended by L. 1903, Ch. 332, § 1; §§ 502, 501.]

§ 401. Dwelling-houses, when deemed separate. If a building is so constructed as to consist of two or more parts, intended to be occupied by different tenants usually lodging therein at night, each part is deemed the separate dwelling-house of a tenant occupying the same. If a building is so constructed as to consist of two or more parts occupied by different tenants separately for any purpose, each part or apartment is considered a

[See note 23] separate building within the meaning of this [chapter] article.

[Penal Code § 503.]

§ 402. Burglary in first degree. A person, who, with intent to commit some crime therein, breaks and enters, in the night time, the dwelling-house of another, in which there is at the time a human being:

1. Being armed with a dangerous weapon; or,
2. Arming himself therein with such a weapon; or,
3. Being assisted by a confederate actually present; or,
4. Who, while engaged in the night time in effecting such en-

trance, or in committing any crime in such a building, or in escaping therefrom, assaults any person,

Is guilty of burglary in the first degree.

[Penal Code § 496.]

§ 403. Burglary in second degree. A person who, with intent to commit some crime therein, breaks and enters the dwelling-house of another in which there is a human being, under circumstances not amounting to burglary in the first degree, is guilty of burglary in the second degree.

[Penal Code § 497.]

§ 404. Burglary in third degree. A person who [either]:

1. With intent to commit a crime therein, breaks and enters a building, or a room, or any part of a building; or,

2. Being in any building, commits a crime therein and breaks out of the same,

Is guilty of burglary in the third degree.

[Penal Code § 498.]

§ 405. Unlawfully entering building. A person who, under circumstances or in a manner not amounting to a burglary, enters a building, or any part thereof, with intent to commit a felony or a larceny, or any malicious mischief, is guilty of a misdemeanor.

[Penal Code § 505.]

§ 406. Punishment for separate crime committed in building by burglar. A person who, having entered a building under such circumstances as to constitute burglary in any degree, commits any crime therein, is punishable therefor, as well as for the burglary; and may be prosecuted for each crime, separately, or in the same indictment.

[Penal Code § 506.]

§ 407. Punishment for burglary. Burglary is punishable by imprisonment in a state prison as follows:

1. Burglary in the first degree, for not less than ten years.

2. Burglary in the second degree, for a term not exceeding ten years.

3. Burglary in the third degree, for a term not exceeding five years.

[Penal Code § 507, as amended by L. 1892, Ch. 662, § 13.]

§ 408. Burglar's instruments. A person who makes or mends, or causes to be made or mended, or has in his possession in the day or night time, any engine, machine, tool, false key, pick-lock, bit, nippers or implements adapted, designed or commonly used for the commission of burglary, larceny or other crime, under circumstances evincing an intent to use or employ, or allow the same to be used or employed, in the commission of a crime, or knowing that the same are intended to be so used, shall be guilty of a misdemeanor, and if he has been previously convicted of any crime, he is guilty of a felony.

[Penal Code § 508, as amended by L. 1884, Ch. 369, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Burial, *see* Sepulture.]

ARTICLE 40

Business and Trade

Section 420. Article of merchandise defined.

421. *Untrue and misleading advertisements.*

422. *Marking certain articles silver, sterling silver or solid silver.*

423. *Selling silverware marked coin or coin silver.*

424. *Marking soldered metal sterling or sterling silver.*

425. *Marking soldered metal coin or coin silver.*

426. *Marking metal placed on leather or other substances, sterling or sterling silver.*

427. *Marking metal placed on leather or other substances, coin or coin silver.*

428. *Marking watch cases sterling or sterling silver.*

429. *Marking watch cases coin or coin silver.*

430. *Marking articles made of linen.*

431. *Marking articles made of gold.*

432. *Illegal charges for elevating, receiving or discharging grain.*

433. *Sale of agricultural products on commission.*

434. *Concealing foreign matter in merchandise.*

435. *False labels.*

436. *Using false marks as to manufacture.*

437. *Penalty for selling half wine not labeled.*

438. *Skimmed milk.*

439. *Corrupt influencing of agents, employees or servants.*

440. *Conducting business under assumed name.*

Section 441. Producing unpublished, undedicated or copyrighted opera or dramatic composition, without consent of owner.

442. Provisions when property is purchased on credit by aid of written statement of purchaser's ability to pay.

§ 420. Article of merchandise defined. The expression "article of merchandise," as used in this [title] article, signifies any goods, wares, work of art, commodity, compound, mixture or other preparation or thing, which may be lawfully kept or offered for sale. [See note 24]

[Penal Code § 365, as amended by L. 1882, Ch. 384, § 1.]

§ 421. Untrue and misleading advertisements. Any person, firm, corporation or association, or any employee thereof, who, in a newspaper, circular or other publication published in this state, knowingly makes or disseminates any statement or assertion of fact concerning the quantity, the quality, the value, the method of production or manufacture, or the reason for the price of his or their merchandise, or the manner or source of purchase of such merchandise, or the possession of rewards, prizes or distinctions conferred on account of such merchandise or the motive or purpose of a sale, intended to give the appearance of an offer advantageous to the purchaser which is untrue or calculated to mislead, shall be guilty of a misdemeanor.

Any person, firm, corporation or association or any employee thereof who violates any provision of this [act] section shall be liable to a fine of not less than twenty-five nor more than one hundred dollars for each offense.

[Penal Code § 364, subd. 8, added by L. 1904, Ch. 423, § 1. New matter, L. 1904, Ch. 423, § 2.]

§ 422. Marking certain articles silver, sterling silver or solid silver. Any person, firm, corporation or association who makes or sells, or offers to sell or dispose of, or has in his [her] or its possession, with intent to sell or dispose of, any article of merchandise marked, stamped or branded with the words "sterling" or "sterling silver," or incased or inclosed in any box, package, cover or wrapper, or other thing in, by or with which the said article is packed, inclosed or otherwise prepared for sale or disposition, having thereupon any engraving or printed label, stamp, imprint, mark or trade-mark, indicating or

denoting by such marking, stamping, branding, engraving or printing that such article is silver, sterling silver or solid silver, unless nine hundred and twenty-five one-thousandths of the component parts of the metal of which the said article is manufactured is pure silver, is guilty of a misdemeanor.

[Penal Code § 364a, added by L. 1894, Ch. 474, § 1, and amended by L. 1898, Ch. 330, § 1.]

§ 423. Selling silverware marked coin or coin silver. Any person, firm, corporation or association who makes or sells, or offers to sell or dispose of, or has in his[, her] or its possession with intent to sell or dispose of, any article of merchandise marked, stamped or branded with the words "coin" or "coin silver," or incased or inclosed in any box, package, cover or wrapper, or other thing in, by or with which the said article is packed, inclosed or otherwise prepared for sale or disposition, having thereupon any engraving or printed label, stamp, imprint, mark or trade-mark, indicating or denoting by such marking, stamping, branding, engraving or printing that such article is coin or coin silver, unless nine hundred one-thousandths parts of the component parts of the metal of which the said article is manufactured is pure silver, is guilty of a misdemeanor.

[Penal Code § 364b, added by L. 1894, Ch. 474, § 1, and amended by L. 1898, Ch. 330, § 2.]

§ 424. Marking soldered metal sterling or sterling silver. Any person, firm, corporation or association who makes or sells, or offers to sell or dispose of, or has in his[, her] or its possession with intent to sell or dispose of, any article of merchandise, whose component parts are made of the same metal soldered together, which article is marked, stamped, or branded with the words "sterling" or "sterling silver," unless all of said component parts shall contain not less than nine hundred and twenty-five one-thousandths parts of pure silver, is guilty of a misdemeanor.

[Penal Code § 364c, added by L. 1898, Ch. 330, § 3.]

§ 425. Marking soldered metal coin or coin silver. Any person, firm, corporation or association who makes or sells, or offers to sell or dispose of, or has in his[, her] or its possession with intent to sell or dispose of, any article of merchandise, whose component parts are made of the same metal soldered together, which article is marked, stamped, or branded with the words "coin" or "coin silver," unless all of said component parts shall

contain not less than nine hundred one-thousandths parts of pure silver, is guilty of a misdemeanor.

[Penal Code § 364d, added by L. 1898, Ch. 330, § 3.]

§ 426. Marking metal placed on leather or other substances, sterling or sterling silver. Any person, firm, corporation or association who makes or sells, or offers to sell or dispose of, or has in his [her] or its possession with intent to sell or dispose of, any article of merchandise comprised of leather, shell, ivory, celluloid, pearl, glass, porcelain, pottery, steel, or wood to which is applied or attached a metal mounting marked, stamped or branded with the words "sterling" or "sterling silver," unless said applied or attached metal mounting shall contain not less than nine hundred and twenty-five one-thousandths parts of pure silver, is guilty of a misdemeanor.

[Penal Code § 364e, added by L. 1898, Ch. 330, § 3.]

§ 427. Marking metal placed on leather or other substances, coin or coin silver. Any person, firm, corporation or association who makes or sells, or offers to sell or dispose of, or has in his [her] or its possession with intent to sell or dispose of, any article of merchandise comprised of leather, shell, ivory, celluloid, pearl, glass, porcelain, pottery, steel, or wood to which is applied or attached a metal mounting marked, stamped or branded with the words "coin" or "coin silver," unless said applied or attached metal mounting shall contain not less than nine hundred one-thousandths parts of pure silver, is guilty of a misdemeanor.

[Penal Code § 364f, added by L. 1898, Ch. 330, § 3.]

§ 428. Marking watch cases sterling or sterling silver. Any person, firm, corporation or association who makes or sells, or offers to sell or dispose of, or has in his [her] or its possession with intent to sell or dispose of, any article of merchandise comprised of works or movements and a case or covering applied or attached thereto, wholly or partially concealing said works or movements marked, stamped or branded with the words "sterling" or "sterling silver," unless said case or covering shall contain not less than nine hundred and twenty-five one-thousandths parts of pure silver, is guilty of a misdemeanor.

[Penal Code § 364g, added by L. 1898, Ch. 330, § 3.]

§ 429. Marking watch cases coin or coin silver. Any person, firm, corporation or association who makes or sells, or

offers to sell or dispose of, or has in his[, her] or its possession with intent to sell or dispose of, any article of merchandise comprised of works or movements and a case or covering applied or attached thereto, wholly or partially concealing said works or movements marked, stamped or branded with the words "coin" or "coin silver," unless said case or covering shall contain not less than nine hundred one-thousandths parts of pure silver, is guilty of a misdemeanor.

[Penal Code § 364h, added by L. 1898, Ch. 330, § 3.]

§ 430. Marking articles made of linen. Any person, firm, corporation or association who makes or sells or offers to sell or dispose of, or has in his[, her] or its possession, with intent to sell or dispose of, any collars or cuffs marked, stamped, or branded with the words "linen," "pure linen" or "all linen" or incased or inclosed in any box, package, cover or wrapper or other thing in, by or with which the said article is packed, inclosed or otherwise prepared for sale or disposition, having thereupon any engraving or printed label, stamp, imprint, mark, or trade-mark, indicating or denoting by such marking, stamping, branding, engraving or printing, that such article is "linen," "pure linen," or "all linen," unless the material of which the said collars or cuffs are manufactured contains at least one fold or ply which has a flax thread in both its warp and filling, is guilty of a misdemeanor.

[Penal Code § 364i, added by L. 1900, Ch. 586, § 1.]

§ 431. Marking articles made of gold. Any person, firm, corporation or association who or which makes or sells or offers to sell or dispose of, or has in his[, her] or its possession with intent to sell or dispose of, any article of merchandise, constructed in whole or in part of gold or of any alloy of gold and having stamped, branded, engraved or imprinted thereon any mark indicating or designed or intended to indicate that the gold or alloy of gold in such article is of a greater degree or karat of fineness by more than one karat than the actual quality or fineness of such gold or alloy, is guilty of a misdemeanor.

[Penal Code § 364j, added by L. 1905, Ch. 287, § 1.]

§ 432. Illegal charges for elevating, receiving or discharging grain. A person who charges for elevating, receiving or discharging grain by means of floating or stationary elevators a greater sum than is allowed by law is guilty of a misdemeanor.

[Penal Code § 384c, added by L. 1896, Ch. 551, § 1.]

§ 433. Sale of agricultural products on commission. [See note 25] A person who violates any provision of section [thirty-nine] three hundred and ninety-seven of the [domestic commerce] general business law is guilty of a misdemeanor.

[Penal Code § 384d, as added by L. 1896, Ch. 551, § 1.]

§ 434. Concealing foreign matter in merchandise. A person who, with intent to defraud, while putting up in a barrel, bag, bale, box, or other package, cotton, hops, hay, or any other article of merchandise whatever, usually sold by weight in such packages, places or conceals therein any other substance or thing whatever, in a case where special provision for the punishment thereof is not otherwise made by statute, is guilty of a misdemeanor.

[Penal Code § 406.]

§ 435. False labels. A person, who, with intent to defraud [either]:

1. Puts upon an article of merchandise, or upon a cask, bottle, stopper, vessel, case, cover, wrapper, package, band, ticket, label, or other thing, containing or covering such an article, or with which such an article is intended to be sold, or is sold, any false description or other indication of or respecting the kind, number, quantity, weight or measure of such article, or any part thereof[;], or the place or country where it was manufactured or produced or the quality or grade of any such article, if the quality or grade thereof is required by law to be marked, branded or otherwise indicated on or with such article; or,

2. Sells or offers for sale an article, which to his knowledge is falsely described or indicated upon any such package, or vessel containing the same, or label thereupon, or any of the particulars specified; or,

3. Sells or exposes for sale any goods in bulk to which no name or trade-mark shall be attached, and orally or otherwise represents that such goods are the manufacture or production of some other than the actual manufacturer or producer, in a case where the punishment for such offense is not specially provided for otherwise by statute,

Is guilty of a misdemeanor.

[Penal Code § 438, as amended by L. 1889, Ch. 46, § 1.]

§ 436. Using false marks as to manufacture. A person who, with intent to defraud or to enable another to defraud any person, manufactures or knowingly sells or causes to be manu-

factured or sold, any article, marked, stamped or branded or incased or inclosed in any box, bottle or wrapper, having thereupon any engraving or printed label, stamp, imprint, mark or trade-mark which article is not the manufacture, workmanship or production of the person named, indicated or denoted by such marking, stamping or branding, or by or upon such engraving, printed label, stamp, imprint, mark or trade-mark, is guilty of a misdemeanor.

[Penal Code § 438a, added by L. 1893, Ch. 692, § 2.]

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§ 437. Penalty for selling half wine not labeled.

A person who sells, offers for sale or manufactures with intent to sell, any wine known as "half wine," which is not stamped, marked or labeled as required by law, is guilty of a misdemeanor.

[Penal Code § 438b, added by L. 1893, Ch. 692, § 2.]

§ 438. Skimmed milk. A person who sells or offers for sale, milk from which the whole or a part of the cream has been skimmed or removed, without disclosing the fact, or having a mark or label, plainly and legibly stating the fact, conspicuously affixed to every can or vessel containing the same, under circumstances not constituting an offense, for the punishment of which provision is otherwise specially made by statute, is guilty of a misdemeanor.

[Penal Code § 439.]

§ 439. Corrupt influencing of agents, employees or servants. Whoever gives, offers or promises to an agent, employee or servant, any gift or gratuity whatever, without the knowledge and consent of the principal, employer or master of such agent, employee or servant, with intent to influence his action in relation to his principal's, employer's or master's business; or an agent, employee or servant who without the knowledge and consent of his principal, employer or master, requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he shall act in any particular manner to his principal's, employer's or master's business; or an agent, employee or servant, who, being authorized to procure materials, supplies or other articles either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, receives directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sales or contract, or furnishes such materials, supplies or other articles, or from a person who renders such

service or labor; and any person who gives or offers such an agent, employee or servant such commission, discount or bonus shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by such fine and by imprisonment for not more than one year.

[Penal Code § 384r, added by L. 1905, Ch. 136, § 1.]

§ 440. Conducting business under assumed name.

1. No person [or persons] shall hereafter carry on or conduct or transact business in this state under any assumed name or under any designation, name or style, corporate or otherwise, other than the real name [or names] of the individual [or individuals] conducting or transacting such business, unless such person [or persons] shall file in the office of the clerk of the county [or counties] in which such person [or persons] conducts, or transacts or intends to conduct or transact such business, a certificate setting forth the name under which such business is, or is to be, conducted or transacted, and the true or real full name [or names] of the person [or persons] conducting or transacting the same, with the post-office address [or addresses] of said person [or persons]. Said certificate shall be executed and duly acknowledged by the person [or persons] so conducting, or intending to conduct said business.

2. Persons [now] conducting such business under an assumed [See note 26] name, or under any such designation referred to in subdivision one, on September first, nineteen hundred, shall file such certificate as hereinbefore prescribed, within thirty days after [this act shall take effect] that date, and persons thereafter conducting or transacting business as aforesaid shall, before commencing said business, file such certificate in the manner hereinbefore prescribed.

3. The several county clerks of this state shall keep an alphabetical index of all persons filing certificates, provided for herein, and for the indexing and filing of such certificates, they shall receive a fee of twenty-five cents. A copy of such certificate duly certified to by the county clerk in whose office the same shall be filed shall be presumptive evidence in all courts of law in this state of the facts therein contained.

4. This [act] section shall in no way affect or apply to any corporation duly organized under the laws of this state, or to any corporation organized under the laws of any other state and lawfully doing business in this state, nor shall this [act] section be deemed or construed to prevent the lawful use of a partner-

ship[.] name or designation, provided that such partnership name or designation shall include the true or real name of at least one of such persons transacting such business.

5. Any person [or persons] carrying on, conducting or transacting business as aforesaid, who shall fail to comply with the provisions of this [act] section shall be guilty of a misdemeanor.

[Penal Code § 363b, added by L. 1900, Ch. 216, § 1.]

§ 441. Producing unpublished, undedicated or copyrighted opera or dramatic composition, without consent of owner. Any person who causes to be publicly performed or represented for profit any unpublished, undedicated or copyrighted dramatic composition, or musical composition known as an opera, without the consent of its owner or proprietor, or who, knowing that such dramatic or musical composition is unpublished, undedicated or copyrighted and without the consent of its owner, or proprietor, permits, aids or takes part in such a performance or representation, shall be guilty of a misdemeanor.

[Penal Code § 729, added by L. 1899, Ch. 475, § 1.]

§ 442. Provisions when property is purchased on credit by aid of written statement of purchaser's ability to pay. Whenever property shall be purchased by aid of a statement relating to the purchaser's means or ability to pay, made in writing and signed by the party to be charged, and in said statement the party to be charged shall state that he conducts a specified kind of business and keeps books of account of said business, then, if at the expiration of any term of credit obtained by him in so purchasing said property he shall fail to pay for the same, he shall at all times during the period of ninety days subsequent to such failure to pay, upon the request of the persons from whom said property was purchased, or their agents duly accredited in writing, produce within ten days after such request is made his said books of account and each and every one of them mentioned or described in said statement and permit the persons from whom said property was purchased, or their agents duly accredited in writing, to fully examine such books of account and each and every one of them mentioned or described in said statement, and to make copies of any part thereof. Upon such request being made, failure to so produce within ten days said books of account and each and every one of them mentioned or described in said statement shall be presumptive evidence that each and every pretense relating to the purchaser's means or ability to pay in said state-

ment contained were false at the time of making said statement and were known to the purchaser to be false.

[Penal Code § 544, pt., as amended by L. 1905, Ch. 556, § 1. For remainder of section see § 947 hereof.]

[REFERENCES FOR OTHER SUBJECTS:

Business and trade; agents, *see also* Agents, §§ 140-143.

Buying stolen property, *see* Stealing, § 2278.]

ARTICLE 42

Canals

Section 460. Delivering false bill of lading to canal collector.

461. *Weighmaster making false entry of weight of canal boat.*

462. *Canal officer concealing frauds upon the revenue.*

463. *Wilful injuries to the canals.*

464. *Drawing water from canals.*

465. *Canal officer accepting bribe to allow water to be drawn from canals.*

§ 460. Delivering false bill of lading to canal collector. A person whose duty it is to deliver to any collector of tolls upon any of the canals belonging to this state, a bill of lading of any property transported upon such canal, who delivers a false bill of lading as true, or makes or signs a false bill of lading, intending it to be delivered as true, knowing such bill to be false, is punishable by imprisonment in a state prison not exceeding two years, or by a fine not exceeding three times the value of the property omitted in such bill, or both.

[Penal Code § 476.]

§ 461. Weighmaster making false entry of weight of canal boat. A weighmaster upon any of the canals belonging to this state, and a clerk of such weighmaster, who makes a false entry of the weight of any boat, or cargo of any boat, navigating such canal, or who makes a false certificate of the light weight of any boat, knowing such entry or certificate to be false, is guilty of a misdemeanor.

[Penal Code § 477.]

§ 462. Canal officer concealing frauds upon the revenue. A public officer or agent employed by the people of this state in relation to the canals belonging to this state, who

knows, or has good reason to believe that any fraud upon the revenues of the canals has been committed or attempted, and who omits to disclose the same, and enforce the penalties therefor, if within his power, is guilty of a misdemeanor.

[Penal Code § 478.]

§ 463. Wilful injuries to the canals. A person who, without authority of law, wilfully inflicts an injury upon any of the canals belonging to this state, or disturbs or injures any of the boats, locks, bridges, buildings, machinery or other works or erections connected with any such canal, and in which the people of this state have an interest, is guilty of felony.

[Penal Code § 479.]

§ 464. Drawing water from canals. A person who draws water from any canal in this state, or from a feeder or reservoir of any canal, during the season of navigation of the canal, and to the detriment or injury of the navigation thereof, without authority of law, is punishable by imprisonment in a county jail not less than one year, and by a fine not less than one thousand dollars.

[Penal Code § 480.]

§ 465. Canal officer accepting bribe to allow water to be drawn from canals. A public officer or agent employed by the people of this state in relation to the canals belonging to the state, or a contractor for canal repairs, or person having charge of any canal, or any part thereof, or of any lock, waste weir, feeder or other work belonging thereto, or being employed thereon, who asks, or accepts or promises to accept any bribe as an inducement to permit water to be drawn from a canal, feeder or reservoir in violation of the last section; and a person who gives, or offers or promises to give to any officer or person above mentioned, any bribe as an inducement to him to permit water to be drawn from any canal, feeder or reservoir in violation of this section, is guilty of a misdemeanor.

[Penal Code § 481.]

[REFERENCES FOR OTHER SUBJECTS:

Cemetery associations; excluding persons, *see* Civil Rights, § 514.

Cheats, *see* Frauds and Cheats.]

ARTICLE 44

Children

Section 480. Abandonment of children.

- 481. *Abandonment of child under fourteen years.*
- 482. *Unlawfully omitting to provide for child.*
- 483. *Endangering life or health of child.*
- 484. *Permitting children to attend certain resorts.*
- 485. *Certain employment of children prohibited.*
- 486. *Prohibited acts; destitute children.*
- 487. *Children's courts.*
- 488. *Sending messenger boys to certain places.*
- 489. *Furnishing minors in reformatories with tobacco prohibited.*
- 490. *Duty of officers.*
- 491. *Fines to be paid to society for prevention of cruelty to children.*
- 492. *Concealing birth of a child.*

§ 480. Abandonment of children. A parent or other [See note 27] person charged with the care or custody for nurture or education of a child under the age of sixteen years, who abandons the child in destitute circumstances and wilfully omits to furnish necessary and proper food, clothing or shelter for such child is guilty of felony, punishable by imprisonment for not more than two years, or by a fine not to exceed one thousand dollars, or by both. In case a fine is imposed the same may be applied in the discretion of the court to the support of such child. Proof of the abandonment of such child in destitute circumstances and omission to furnish necessary and proper food, clothing or shelter is prima facie evidence that such omission is wilful. The provisions of section [seven hundred and fifteen of this code] twenty-four hundred and forty-five prohibiting the disclosure of confidential communications between husband and wife shall not apply to prosecutions for the offense here defined. A previous conviction [or convictions] of felony or misdemeanor shall not prevent the court from suspending sentence upon a conviction under this section, or from arbitrarily fixing the limit of imprisonment or fine, in case imprisonment or fine is imposed upon conviction herein.

[§ 2.] Nothing in this [act contained] section shall be deemed or construed to repeal, amend, impair or in any manner affect

the provisions of sections [two hundred and eighty-seven, two hundred and eighty-eight or two hundred and eighty-nine] four hundred and eighty-one, four hundred and eighty-two, and four hundred and eighty-three of [the penal code] this chapter or any other existing provisions of law relating to abandonment or other acts of cruelty to children.

[Penal Code § 287a, added by L. 1905, Ch. 168, § 1; new matter L. 1905, Ch. 168, § 2.]

§ 481. Abandonment of child under fourteen years.

A parent, or other person having the care or custody, for nurture or education, of a child under the age of fourteen years, who deserts the child in any place, with intent wholly to abandon it, is punishable by imprisonment in a state prison for not more than seven years.

[Penal Code § 287, as amended by L. 1892, Ch. 325, § 2; L. 1903, Ch. 376, § 1.]

§ 482. Unlawfully omitting to provide for child.

A person who:

1. Wilfully omits, without lawful excuse, to perform a duty by law imposed upon him to furnish food, clothing, shelter or medical attendance to a minor, or to make such payment toward its maintenance as may have been required by the order of a court or magistrate when such minor has been committed to an institution; or,

2. Not being a superintendent of the poor, or a superintendent of alms-houses, or an institution duly incorporated for the purpose, without having first obtained a license in writing so to do from the board of health of the city or town wherein such females or children are received, boarded or kept, erects, conducts, establishes or maintains any maternity hospital, lying-in asylum where females may be received, cared for or treated during pregnancy, or during or after delivery; or receives, boards or keeps any nursing children, or any children under the age of twelve years not his relatives, apprentices, pupils or wards without legal commitment; or,

3. Being a midwife, nurse or other person having the care of an infant within the age of two weeks neglects or omits to report immediately to the health officer or to a legally qualified practitioner of medicine of the city, town or place where such child is being cared for, the fact that one or both eyes of such infant are inflamed or reddened whenever such shall be the case,

or who applies any remedy therefor without the advice, or except by the direction of such officer or physician; or,

4. Neglects, refuses or omits to comply with any provisions of this section, or [who] violates the provisions of such license, Is guilty of a misdemeanor.

Every such license must specify the name and residence of the person so undertaking the care of such females or children, and the place and the number of females or children thereby allowed to be received, boarded and kept therein, and shall be revocable at will by the authority granting it. Every person so licensed must keep a register wherein he shall enter the names and ages of all such children and of all children born on said premises, and the names and residences of their parents, as far as known, the time of the reception and discharge of such children and the reasons therefor, and also a correct register of the name and age of every child under the age of five years who is given out, adopted, taken away or indentured from such place to or by any one, together with the name and residence of the person so adopting, taking or indenturing such child; and shall cause a correct copy of such register to be sent to the authority issuing such license within forty-eight hours after such child is so given out, adopted, taken away or indentured. It shall be lawful for the officers of any incorporated society for the prevention of cruelty to children and of such board of health at all reasonable times to enter and inspect the premises wherein such females and children are so boarded, received or kept, and also such license, register and the children.

5. No institution shall be incorporated for any of the purposes mentioned in this section except with the written consent and approbation of a justice of the supreme court, upon the certificate in writing of the state board of charities approving of the organization and incorporation of such institution. The said board of charities may apply to the supreme court for the cancellation of any certificate of incorporation previously filed without its approval, and may institute and maintain an action in such court through the attorney-general to procure a judgment dissolving any such corporation not so incorporated and forfeiting its corporate rights, privileges and franchises.

[Penal Code § 288, as amended by L. 1884, Ch. 46, § 3; L. 1886, Ch. 31, § 2; L. 1888, Ch. 145, § 4; L. 1892, Ch. 325, § 3; Subd. 5, added by L. 1894, Ch. 171, § 1.]

§ 483. Endangering life or health of child. A per- [See note 28]
son who:

1. Wilfully causes or permits the life or limb of any child

actually or apparently under the age of sixteen years to be endangered, or its health to be injured, or its morals to become depraved; or,

2. Wilfully causes or permits such child to be placed in such a situation or to engage in such an occupation that its life or limb is endangered, or its health is likely to be injured, or its morals likely to be impaired,

Is guilty of a misdemeanor.

3. Any parent or guardian or other person having custody of a child under sixteen years of age, except in the city of New York who omits to exercise due diligence in the control of such child, to prevent such child from violating any of the provisions of this [chapter] article and any such person or any other person responsible for or who by any act or omission causes, encourages or contributes to the violation by any such child of said provisions shall be guilty of a misdemeanor and punishable accordingly.

[Penal Code § 289, as amended by L. 1888, Ch. 145, § 5; subd. 3, added by L. 1905, Ch. 655, § 2.]

§ 484. Permitting children to attend certain resorts. A person who:

1. Admits to or allows to remain in any dance-house, concert saloon, theater, museum, skating rink, or in any place where wines or spirituous or malt liquors are sold or given away, or in any place of entertainment injurious to health or morals, owned, kept or managed by him in whole or in part, any child actually or apparently under the age of sixteen years, unless accompanied by its parent or guardian; or,

2. Suffers or permits any such child to play any game of skill or chance in any such place, or in any place adjacent thereto, or to be or remain therein, or admits to or allows to remain in any reputed house of prostitution or assignation, or in any place where opium or any preparation thereof is smoked, any child actually or apparently under the age of sixteen years; or,

3. Sells or gives away, or causes or permits or procures to be sold or given away to any child actually or apparently under the age of sixteen years any beer, ale, wine, or any strong or spirituous liquor; or,

4. Being a pawnbroker or person in the employ of a pawnbroker, makes any loan or advance or permits to be loaned or advanced to any child actually or apparently under the age of sixteen years any money, or in any manner directly or indirectly receives any goods, chattels, wares or merchandise from any such

child in pledge for loans made or to be made to it or to any other person or otherwise howsoever; or,

5. Sells, pays for or furnishes any cigar, cigarette or tobacco in any of its forms to any child actually or apparently under the age of sixteen years; or,

6. [Or who] Being the owner, keeper or proprietor of a junk shop, junk cart or other vehicle or boat or other vessel used for the collection of junk, or any collector of junk, receives or purchases any goods, chattels, wares or merchandise from any child under the age of sixteen years,

Is guilty of a misdemeanor.

[8.] It shall be no defense to a prosecution for a violation of subdivisions three, four, five or six of this section, that in the transaction upon which the prosecution is based the child acted as the agent or representative of another, or that the defendant dealt with such child as the agent or representative of another.

[Penal Code § 290, as amended by L. 1884, Ch. 46, § 4; L. 1886, Ch. 31, § 3; L. 1889, Ch. 170, § 1; subd. 6, added by L. 1903, Ch. 309, § 1; subd. 8, added by L. 1906, Ch. 41, § 1.]

§ 485. Certain employment of children prohibited.

A person who employs or causes to be employed, or who exhibits, uses, or has in custody, or trains for the purpose of the exhibition, use or employment of, any child actually or apparently under the age of sixteen years; or who having the care, custody or control of such a child as parent, relative, guardian, employer or otherwise, sells, lets out, gives away, so trains, or in any way procures or consents to the employment, or to such training, or use, or exhibition of such child; or who neglects or refuses to restrain such child from such training, or from engaging or acting, [either]:

1. As a rope or wire walker, gymnast, wrestler, contortionist, rider or acrobat; or upon any bicycle or similar mechanical vehicle or contrivance; or,

2. In begging or receiving or soliciting alms in any manner or under any pretense, or in any mendicant occupation; or in gathering or picking rags, or collecting cigar stumps, bones or refuse from markets; or in peddling; or,

3. In singing; or dancing; or playing upon a musical instrument; or in a theatrical exhibition; or in any wandering occupation; or,

4. In any illegal, indecent or immoral exhibition or practice; or in the exhibition of any such child when insane, idiotic, or when presenting the appearance of any deformity or unnatural physical formation or development; or,

5. In any practice or exhibition or place dangerous or injurious to the life, limb, health or morals of the child,
Is guilty of a misdemeanor.

But this section does not apply to the employment of any child as a singer or musician in a church, school or academy; or in teaching or learning the science or practice of music; or as a musician in any concert or in a theatrical exhibition, with the written consent of the mayor of the city, or the president of the board of trustees of the village where such concert or exhibition takes place. Such consent shall not be given unless forty-eight hours previous notice of the application shall have been served in writing upon the society mentioned in section [two hundred and ninety-three] four hundred and ninety-one of [the penal code] this chapter, if there be one within the county, and a hearing had thereon if requested, and shall be revocable at the will of the authority giving it. It shall specify the name of the child, its age, the names and residence of its parents or guardians, the nature, time, duration and number of performances permitted, together with the place and character of the exhibition. But no such consent shall be deemed to authorize any violation of the first, second, fourth or fifth subdivisions of this section.

[Penal Code § 292, as amended by L. 1884, Ch. 46, § 6; L. 1886, Ch. 31, § 5; L. 1892, Ch. 309, § 1.]

[See note 29] **§ 486. Prohibited acts; destitute children.** Any child actually or apparently under the age of sixteen years who is found:

1. Begging or receiving or soliciting alms, in any manner or under any pretense; or gathering or picking rags, or collecting cigar stumps, bones or refuse from markets; or,

2. Not having any home or other place of abode or proper guardianship; or who has been abandoned or improperly exposed or neglected, by its parents or other person or persons having it in charge, or being in a state of want or suffering; or,

3. Destitute of means of support, being an orphan, or living or having lived with or in custody of a parent or guardian who has been sentenced to imprisonment for crime, or who has been convicted of a crime against the person of such child, or has been adjudged an habitual criminal; or,

4. Frequenting or being in the company of reputed thieves or prostitutes, or in a reputed house of prostitution or assignation, or living in such a house either with or without its parent or guardian, or being in concert saloons, dance houses, theatres, museums or other places of entertainment, or places where wines, malt or spirituous liquors are sold, without being in charge of its

parent or guardian; or playing any game of chance or skill in any place wherein or adjacent to which any beer, ale, wine or liquor is sold or given away, or being in any such place; or,

5. Coming within any of the descriptions of children mentioned in section [two hundred and ninety-two] four hundred and eighty-five,

Must be arrested and brought before a proper court or magistrate, who may commit the child to any incorporated charitable reformatory, or other institution, and when practicable, to such as is governed by persons of the same religious faith as the parents of the child, or may make any disposition of the child such as now is, or hereafter may be authorized in the cases of vagrants, truants, paupers or disorderly persons, but such commitment shall, so far as practicable, be made to such charitable or reformatory institutions.

Whenever any child shall be committed to an institution under this [code] chapter, and the warrant or commitment shall so state, and it shall appear therefrom that either parent, or any guardian or custodian of such child, was present at the examination before such court or magistrate, or had such notice thereof as was by such court or magistrate deemed and adjudged sufficient, no further or other notice required by any local or special statute, in regard to the committal of [of] children to such institution, shall be necessary, and such commitment shall in all respects be sufficient to authorize such institution to receive and retain such child in its custody as therein directed.

Whenever any commitment of a child shall for any reason be adjudged or found defective, a new commitment of the child may be made or directed by the court or magistrate, as the welfare of the child may require. And no commitment of a child which shall recite therein the facts upon which it is based shall be deemed invalid by reason of any omission of the court or magistrate by whom such commitment is made to file any documents, papers or proceedings relating thereto, or by reason of any limitation as to the age of the child committed, contained in the act or articles of incorporation of the institution to which it may have been committed.

[7] 6. No child actually or apparently under sixteen years of age shall smoke or in any way use any cigar, cigarette or tobacco in any form whatsoever in any public street, place or resort. A violation of this subdivision shall be a misdemeanor, and shall be punished by a fine not exceeding ten dollars and not less than two dollars for each offense.

[8] 7. All children actually or apparently under the age of sixteen who desert their homes without good or sufficient cause, or keep company with dissolute, immoral or vicious persons, shall be deemed disorderly children. Those actually or apparently under the like age who are not susceptible of proper restraint or control by their parents, guardians, or lawful custodians, or who are habitually disobedient to their reasonable and lawful commands, shall be deemed ungovernable children. A disorderly or ungovernable child may be dealt with as provided in the fifth subdivision of this section.

[6] 8. Any magistrate having criminal jurisdiction may commit, temporarily, to an institution authorized by law to receive children on final commitment, and to have compensation therefor from the city or county authorities, any child under the age of sixteen years, who is held for trial on a criminal charge; and may, in like manner, so commit any such child held as a witness to appear on the trial of any criminal case; which institution shall thereupon receive the same, and be entitled to the like compensation proportionally therefor as on final commitment, but subject to the order of the court as to the time of detention and discharge of the child. Any such child convicted of any misdemeanor shall be finally committed to some such institution, and not to any prison or jail, or penitentiary, longer than is necessary for its transfer thereto. No child under restraint or conviction, actually or apparently under the age of sixteen years, shall be placed in any prison or place of confinement, or in any court-room, or in any vehicle for transportation in company with adults charged with or convicted of crime.

9. Whenever any child is brought before any court or magistrate, to be dealt with under any of the subdivisions of this section, instead of committing such child to confinement in any institution, the court or magistrate may place such child under the custody of a probation or parole officer, and at any time within one year thereafter such court or magistrate, may issue a warrant for such child, and after giving such child an opportunity to be heard, may make the commitment which could have been made in the first instance as aforesaid. The foregoing provision shall not apply to a children's court created by special enactment in cities of the first class but this exception shall not be construed as taking away or limiting any jurisdiction now possessed by such children's courts.

[Penal Code § 291, as amended by L. 1884, Ch. 46, § 5; subd. 5, as amended by L. 1886, Ch. 31, § 4, and L. 1888, Ch. 145, § 6; subd. 6, as amended by L. 1892, Ch. 217, § 1; subd. 7, added by

L. 1890, Ch. 417, § 1; subd. 8, added by L. 1903, Ch. 50, § 1; subd. 9, added by L. 1905, Ch. 655, § 3. For remainder of section, see § 487 hereof.]

§ 487. Children's courts. [7.] All cases involving the [See note 29] commitment or trial of children, actually or apparently under the age of sixteen years, for any violation of law, in any court shall be heard and determined by such court, at suitable times to be designated therefor by it, separate and apart from the trial of other criminal cases, of which session a separate docket and record shall be kept. All such cases shall, so far as practicable, be heard and determined in a separate court room to be known as the children's court and to be used exclusively for the examination and trial of children, actually or apparently under the age of sixteen years, charged with any offense. And all such cases and cases of offenses by, or against the person of, a child under the age of sixteen years shall have preference over all other cases, before all magistrates and in all courts and tribunals in this state both civil and criminal; and where a child is committed or detained as a witness in any case such case shall be brought to trial or otherwise disposed of without delay, whether the defendant be in custody or enlarged on bail.

[Penal Code § 291, subd. 7, added by L. 1892, Ch. 217, § 2; and amended by L. 1896, Ch. 410, § 1; L. 1903, Ch. 331, § 1. For remainder of section, see § 486 hereof.]

§ 488. Sending messenger boys to certain places.

A corporation or person employing messenger boys who:

1. Knowingly places or permits to remain in a disorderly house, or in an unlicensed saloon, inn, tavern or other unlicensed place where malt or spirituous liquors or wines are sold, any instrument or device by which communication may be had between such disorderly house, saloon, inn, tavern or unlicensed place, and any office or place of business of such corporation or person; or,

2. Knowingly sends or permits any person to send any messenger boy to any disorderly house, unlicensed saloon, inn, tavern, or other unlicensed place, where malt or spirituous liquors or wines are sold, on any errand or business whatsoever except to deliver telegrams at the door of such house,

Is guilty of a misdemeanor, and incurs a penalty of fifty dollars to be recovered by the district attorney.

[Penal Code § 292a, added by L. 1893, Ch. 692, § 2.]

§ 489. Furnishing minors in reformatories with tobacco prohibited. A person or officer who sells or gives any cigar, cigarette, snuff or tobacco in any of its forms to any

minor undergoing confinement or sentence in any reformatory, penitentiary or house of refuge in this state is guilty of a misdemeanor.

[L. 1897, Ch. 256, § 1.]

[See note 30] **§ 490. Duty of officers.** A constable or police officer must, and any agent or officer of any incorporated society for the prevention of cruelty to children may arrest and bring before a court or magistrate having jurisdiction, any person offending against any of the provisions of this [chapter] article and any minor coming within any of the descriptions of children mentioned in section [two hundred and ninety-one or in section two hundred and ninety-two] four hundred and eighty-five, four hundred and eighty-six, or in four hundred and eighty-seven. Such constable, police officer or agent may interfere to prevent the perpetration in his presence of any act forbidden by this [chapter] article.

A person who obstructs or interferes with any officer or agent of such society in the exercise of his authority under this [chapter] article is guilty of a misdemeanor.

[Penal Code § 293, pt., as amended by L. 1888, Ch. 145, § 7. For remainder of section, see § 491 hereof.]

[See note 30] **§ 491. Fines to be paid to society for prevention of cruelty to children.** All fines, penalties and forfeitures imposed or collected for a violation of the provisions of this [code] chapter, or of any act relating to, or affecting children, now in force or hereafter passed, must be paid on demand to the incorporated Society for the Prevention of Cruelty to Children in every case where the prosecution shall be instituted or conducted by such a society; and any such payment heretofore made to any such society may be retained by it.

[Penal Code § 293, pt., as amended by L. 1888, Ch. 145, § 7. For remainder of section, see § 490 hereof.]

§ 492. Concealing birth of a child. A person who endeavors to conceal the birth of a child, by any disposition of the dead body of the child, whether the child died before or after its birth, is guilty of a misdemeanor.

[Penal Code § 296.]

[REFERENCES FOR OTHER SUBJECTS:

Children: Death from use of drugs to produce miscarriage,
see Homicide, § 1052.

Determining age in legal proceedings, see Evidence,
§ 817.

Killing unborn quick child, see Homicide, § 1050.

Responsibility for crime, see Evidence, §§ 816, 817.

Substituting one child for another, see Frauds and
Cheats, § 923.]

ARTICLE 46

Civil Rights

Section 510. Forfeiture of office and suspension of civil rights.

511. Consequence of sentence to imprisonment for life.

512. Forfeiture of property on conviction abolished.

*513. Innkeepers and carriers refusing to receive guests
and passengers.*

514. Protecting civil and public rights.

*515. Discrimination against person or class in price for
admission.*

*516. Return of photographs of prisoners after unsuccessful
prosecution of criminal action.*

§ 510. Forfeiture of office and suspension of civil rights. A sentence of imprisonment in a state prison for any term less than for life, forfeits all the public offices, and suspends, during the term of the sentence, all the civil rights, and all private trusts, authority, or powers of, or held by, the person sentenced.

[Penal Code § 707.]

§ 511. Consequence of sentence to imprisonment for life. A person sentenced to imprisonment for life is thereafter deemed civilly dead.

[Penal Code § 708.]

§ 512. Forfeiture of property on conviction abolished. A conviction of a person for any crime does not work a forfeiture of any property, real or personal, or of any right or interest therein. All forfeitures to the people of the state, in the nature of deodands, or in a case of suicide, or where a person flees from justice, are abolished.

[Penal Code § 710.]

§ 513. Innkeepers and carriers refusing to receive guests and passengers. A person, who, either on his own account or as agent or officer of a corporation, carries on business as innkeeper, or as common carrier of passengers, and refuses, without just cause or excuse, to receive and entertain any guest, or to receive and carry any passenger, is guilty of a misdemeanor. [Penal Code § 381.]

§ 514. Protecting civil and public rights. A person who:

1. Excludes a citizen of this state, by reason of race, color or previous condition of servitude, from the equal enjoyment of any accommodation, facility or privilege furnished by innkeepers or common carriers, or by owners, managers or lessees of theatres or other places of amusement, or by teachers and officers of common schools and public [instructions] institutions of learning, or by cemetery associations; or,

2. Denies or aids or incites another to deny to any other person because of race, creed or color, full enjoyment of any of the accommodations, advantages, facilities and privileges of any hotel, inn, tavern, restaurant, public conveyance on land or water, theatre or other place of public resort or amusement,

Is guilty of a misdemeanor, punishable by fine of not less than fifty dollars nor more than five hundred dollars.

[Penal Code § 383, as amended by L. 1893, Ch. 692, § 1.]

§ 515. Discrimination against person or class in price for admission. If a person who owns, occupies, manages or controls a building, park, inclosure or other place, opens the same to the public generally at stated periods or otherwise, he shall not discriminate against any person or class of persons in the price charged for admission thereto. A person violating the provisions of this section is guilty of a misdemeanor.

[Penal Code, § 383a, added by L. 1899, Ch. 724, § 1.]

§ 516. Return of photographs of prisoners after unsuccessful prosecution of criminal action. Upon the determination of a criminal action or proceeding against a person, in favor of such person, every photograph of such person and photographic plate or proof taken or made of such person while such action or proceeding is pending by direction or authority of any police officer, peace officer or any member of any police department, and all duplicates and copies thereof shall be

returned on demand to such person by the police officer, peace officer or member of any police department having any such photograph, photographic plate or proof, copy or duplicate in his possession or under his control; and such police officer, peace officer or member of any police department failing to comply with the requirements hereof, shall be guilty of a misdemeanor.

[Penal Code § 379a, added by L. 1907, Ch. 626, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Civil Rights; not affected by penal law, *see* General Provisions, §§ 23, 24.

Claims: False audit and payment, *see* Public Offices and Officers, §§ 1863, 1864.

Presenting fraudulent, to public officers, *see* Public Offices and Officers, § 1872.

Cocaine or eucaïne selling, *see* Public Health, § 1746.]

ARTICLE 48

Coercion

Section 530. Coercing another person a misdemeanor.

531. *Coercion by employers.*

532. *Compelling woman to marry.*

533. *No conviction on certain testimony.*

§ 530. Coercing another person a misdemeanor.

A person who with a view to compel another person to do or to abstain from doing an act which such other person has a legal right to do or to abstain from doing, wrongfully and unlawfully,

1. Uses violence or inflicts injury upon such other person or his family, or a member thereof, or upon his property or threatens such violence or injury; or,

2. Deprives any such person of any tool, implement or clothing or hinders him in the use thereof; or,

3. Uses or attempts the intimidation of such person by threats or force,

Is guilty of a misdemeanor.

[Penal Code § 653, as amended by L. 1882, Ch. 384, § 1.]

§ 531. Coercion by employers. Any person or [per-
sons,] employer [or employers] of labor, and any person [or [See note 30a]
persons] of any corporation [or corporations] on behalf of such
corporation [or corporations], who shall hereafter coerce or com-

pel any person, [or persons,] employee [or employees], laborer or mechanic, to enter into an agreement, either written or verbal from such person, [persons,] employee, laborer or mechanic, not to join or become a member of any labor organization, as a condition of such person [or persons] securing employment, or continuing in the employment of any such person [or persons], employer or [employers,] corporation [or corporations], shall be deemed guilty of a misdemeanor.

The penalty for such misdemeanor shall be imprisonment in a penal institution for not more than six months, or by a fine of not more than two hundred dollars, or by both such fine and imprisonment.

[Penal Code § 171a, added by L. 1887, Ch. 688, § 1.]

§ 532. Compelling woman to marry. A person who by force, menace or duress, compels a woman against her will to marry him, or to marry any other person, or to be defiled, is punishable by imprisonment for a term not exceeding ten years, or by a fine of not more than one thousand dollars, or by both.

[Penal Code § 281, as amended by L. 1892, Ch. 662, § 11.]

[See note 31] **§ 533. No conviction on certain testimony.** No conviction can be had for [abduction,] compulsory marriage [rape or defilement] upon the testimony of the female [abducted] compelled [or defiled], unsupported by other evidence.

[Penal Code § 283, pt., as amended by L. 1886, Ch. 663, § 1. For remainder of section, see §§ 71, 611, 2013.]

[REFERENCES FOR OTHER SUBJECTS:

Coercion: Compelling adoption of a form of religious belief, *see* Religion, § 2073.

Duress and intimidation of voters, *see* Elective Franchise, § 772.

Intimidating elector in military service of United States, *see* Elective Franchise, § 771.

Intimidating member of legislature, *see* Legislature, §§ 1293, 1294.

Threatening executive officer of state, *see* Public Offices and Officers, § 1824.

Threatening to publish a libel, *see* Libel, § 1331.

Common carriers: *see also* Bills of Lading, Receipts and Vouchers.

Employing persons addicted to intoxication, *see* Public Safety, § 1913.

Refusing to receive passengers, *see* Civil Rights, §§ 513, 514.]

ARTICLE 50**Communication**

Section 550. Sending letter, when deemed complete.

551. Sending threatening letters.

552. Divulging contents of telegraphic or telephonic messages.

553. Opening or publishing a letter, telegram or private paper.

§ 550. Sending letter, when deemed complete. In the various cases, in which the sending of a letter is made criminal by this [code] chapter, the offense is deemed complete from the time when such letter is deposited in any post-office or other place, or delivered to any person, with intent that it shall be forwarded. And the party may be indicted and tried in any county wherein such letter is so deposited or delivered, or in which it is received by the person to whom it is addressed.

[Penal Code § 683.]

§ 551. Sending threatening letters. A person who, knowing the contents thereof, sends, delivers, or in any manner causes to be sent or received any letter or other writing threatening to do any unlawful injury to the person or property of another, or any person who shall knowingly send or deliver or shall make and for the purpose of being delivered or sent, shall part with the possession of any letter, postal card or writing with or without a name subscribed thereto or signed with a fictitious name or with any letter, mark or other designation, with intent thereby to cause annoyance to any person, is guilty of misdemeanor.

[Penal Code § 559, as amended by L. 1891, Ch. 120, § 1.]

§ 552. Divulging contents of telegraphic or tele- [See note 32] phonic messages. A person who [, either]:

1. Wrongfully obtains, or attempts to obtain, any knowledge of a telegraphic or a telephonic message by connivance with a clerk, operator, messenger, or other employee of a telegraph or telephone company; or,

2. Being such clerk, operator, messenger or other employee, wilfully divulges to anyone but the persons for whom it was in-

tended, the contents or the nature thereof of a telegraphic or telephonic message or dispatch intrusted to him for the transmission or delivery, or of which contents he may in any manner become possessed, or occupying such position in a telegraph office shall wilfully refuse or neglect duly to transmit or deliver messages received at such office, except when such telegraphic or telephonic message or dispatch is in aid of or used to abet or carry on any unlawful business or traffic, or to perpetrate any criminal offense, and when it shall appear that any offense at law or unlawful business or traffic is being carried on or conducted in whole or in part by means of a telegraphic or telephonic message or dispatch, it shall be the duty of any corporation or employee thereof having knowledge of the same, to withhold such dispatch from delivery, and to further furnish to any public officer whose duty it is to prosecute any offense at law so aided and abetted, all information in their possession, relating to said unlawful business or traffic; and to further assist in the identification of any person aiding or abetting in or conducting any such unlawful business or traffic; and any violation of this **[act] section**, or refusal or neglect to furnish information as provided hereinbefore, is punishable by a fine of not more than one thousand dollars or by imprisonment for not more than two years, or by both such fine and imprisonment.

[Penal Code § 641, as amended by L. 1895, Ch. 727, § 1; L. 1901, Ch. 661, § 1.]

§ 553. Opening or publishing a letter, telegram or private paper. A person who wilfully, and without authority**[, either]**:

1. Opens or reads, or causes to be opened or read, a sealed letter, telegram, or private paper; or,

2. Publishes the whole or any portion of such a letter, or telegram, or private paper, knowing it to have been opened or read without authority; or,

3. Takes a letter, telegram or private paper, belonging to another, or a copy thereof, and publishes the whole or any portion thereof; or,

4. Publishes the whole or any portion of such letter, telegram, or private paper, knowing it to have been taken or copied without authority; or,

5. Publishes or causes to be published, or connives at the publication of any letter, telegram, or private paper or of any portion of any letter, telegram, or private paper found on, or among the effects of, any person who has been dangerously wounded, or who

has committed suicide, or who has died suddenly, or who has been found dead, unless such letter, telegram, or private paper shall have been produced pursuant to law before a coroner at an inquest, and the publication of such letter, telegram, or private paper, or of such portion of such letter, telegram, or private paper shall have been declared by that coroner in writing to be necessary to aid in the discovery of a crime, or of the identity of the wounded or deceased person; or,

6. Any person having or obtaining access, either with or without the consent of the lawful owner, to any original list, compilation or other collection of the names of customers or subscribers not less than five hundred in number, or to any other original list, compilation or other collection of names not less than five hundred in number, used in connection with any lawful business or occupation whatsoever, and who, without the consent of such lawful owner, shall take possession of any such original list, compilation, or other collection, or any part thereof, or shall make or cause to be made, or take possession of, a copy or duplication thereof, or of any part thereof, or who shall aid, abet or incite any other person to take or to copy or to cause to be copied or taken, any such list, compilation or collection, or any part thereof; or,

7. Any person who may have heretofore obtained or may hereafter obtain any such list, compilation or other collection specified in subdivision six hereof, or any part thereof, or any copy or duplication of such list, compilation or collection or any part thereof, or the information contained in any such list, compilation, collection or any part thereof, and who, without the consent of the lawful owner of the original of any such list, compilation or collection, and with notice or knowledge of his rights, may at any time hereafter, make use of or attempt to make use of any such list, compilation or collection, or any part thereof, or of any copy or duplication of the whole or any part thereof, or of the information contained in any such list, compilation, collection or copy or duplication or any part thereof, for his own benefit or advantage, or that of any person other than said lawful owner, is guilty of a misdemeanor.

[Penal Code § 642, as amended by L. 1895, Ch. 287, § 1; L. 1900, Ch. 588, § 1; L. 1905, Ch. 441, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Communications: Intended to affect price of stocks, *see* Frauds and Cheats, § 926.

Libelous information, *see* Libel, § 1332.

Privileged, *see* Libel, § 1330.]

ARTICLE 52

Compounding Crime

Section 570. Punishment for compounding crime.

571. Conviction of primary offender not necessary.

§ 570. Punishment for compounding crime. A person who takes money or other property, gratuity or reward, or an engagement or promise therefor, upon an agreement or understanding, express or implied, to compound or conceal a crime, or a violation of statute, or to abstain from, discontinue, or delay, a prosecution therefor, or to withhold any evidence thereof, except in a case where a compromise is allowed by law, is guilty:

1. Of a felony, punishable by imprisonment in a state prison for not more than five years, where the agreement or understanding relates to a felony punishable by death, or by imprisonment in a state prison for life;

2. Of a felony, punishable by imprisonment in a state prison for not more than three years, where the agreement or understanding relates to another felony;

3. Of a misdemeanor, punishable by imprisonment in a county jail for not more than one year, or by fine of not more than two hundred and fifty dollars, or both, where the agreement or understanding relates to a misdemeanor, or to a violation of a statute for which a pecuniary penalty or forfeiture is prescribed.

[Penal Code § 125.]

§ 571. Conviction of primary offender not necessary. Upon the trial of an indictment for compounding a crime, it is not necessary to prove that any person has been convicted of the crime or violation of statute, in relation to which an agreement or understanding herein prohibited was made.

[Penal Code § 126.]

[REFERENCES FOR OTHER SUBJECTS:

Compulsion, *see* Extortion and Threats.

Concealing birth, *see* Children, § 492.

Concealed weapons, *see* Weapons.]

ARTICLE 54

Conspiracy

Section 580. Definition and punishment of conspiracy.

581. *Conspiracies against peace of the state.*

582. *Punishable conspiracies.*

583. *Overt act, when necessary.*

§ 580. Definition and punishment of conspiracy.

If two or more persons conspire [either]:

1. To commit a crime; or,
2. Falsely and maliciously to indict another for a crime, or to procure another to be complained of or arrested for a crime; or,
3. Falsely to institute or maintain an action or special proceeding; or,
4. To cheat and defraud another out of property, by any means which are in themselves criminal, or which, if executed, would amount to a cheat, or to obtain money or any other property by false pretenses; or,
5. To prevent another from exercising a lawful trade or calling, or doing any other lawful act, by force, threats, intimidation, or by interfering or threatening to interfere with tools, implements, or property belonging to or used by another, or with the use or employment thereof; or,
6. To commit any act injurious to the public health, to public morals, or to trade or commerce, or for the perversion or obstruction of justice, or of the due administration of the laws,

Each of them is guilty of a misdemeanor.

[Penal Code § 168.]

§ 581. Conspiracies against peace of the state. If two or more persons, being out of this state, conspire to commit any act against the peace of this state, the commission or attempted commission of which, within this state, would be treason against the state, they are punishable by imprisonment in a state prison not exceeding ten years.

[Penal Code § 169.]

§ 582. Punishable conspiracies. No conspiracy is punishable criminally unless it is one of those enumerated in the last two sections, and the orderly and peaceable assembling or co-operation of persons employed in any calling, trade or handi-

craft for the purpose of obtaining an advance in the rate of wages or compensation, or of maintaining such rate, is not a conspiracy.

[Penal Code § 170, as amended by L. 1882, Ch. 384, § 1.]

§ 583. Overt act, when necessary. No agreement except to commit a felony upon the person of another, or to commit arson or burglary, amounts to a conspiracy, unless some act beside such agreement be done to effect the object thereof, by one or more of the parties to such agreement.

[Penal Code § 171.]

[REFERENCES FOR OTHER SUBJECTS:

Conspiracy: Combination to resist execution of process, *see* Public Justice, § 1787.

Promoting or preventing elections, *see* Elective Franchise, § 773.

Constables; buying demands to bring suit thereon, *see* Public Offices and Officers, §§ 1852-1856.

Construction; of penal law, *see* General Provisions, § 21.

Contagious diseases; exposing person in public place, *see* Public Health, § 1756.]

ARTICLE 56

Contempt of Court

Section 600. Criminal contempt.

601. Punishment for criminal contempt.

§ 600. Criminal contempt. A person who commits a contempt of court, of any one of the following kinds, is guilty of a misdemeanor:

1. Disorderly, contemptuous, or insolent behavior, committed during the sitting of the court, in its immediate view and presence and directly tending to interrupt its proceedings or to impair the respect due to its authority;

2. Behavior of the like character, committed in the presence of a referee or referees, while actually engaged in a trial or hearing, pursuant to the order of the court, or in the presence of a jury, while actually sitting for the trial of a cause, or upon an inquest or other proceeding authorized by law;

3. Breach of the peace, noise, or other disturbance, directly tending to interrupt the proceedings of a court, jury, or referee;

4. Wilful disobedience to the lawful process or other mandate of a court;

5. Resistance wilfully offered to its lawful process or other mandate;

6. Contumacious and unlawful refusal to be sworn as a witness, or, after being sworn, to answer any legal and proper interrogatory;

7. Publication of a false or grossly inaccurate report of its proceedings. But no person can be punished as provided in this section, for publishing a true, full, and fair report of a trial, argument, decision, or other proceeding had in court.

[Penal Code § 143.]

§ 601. Punishment for criminal contempt. A criminal act is not the less punishable as a crime, because it is also declared to be punishable as a contempt of court.

[Penal Code § 680.]

[REFERENCES FOR OTHER SUBJECTS:

Contests of skill or endurance, *see* Exhibitions, § 832.

Conversion: Of material furnished to be manufactured, *see* Stealing, § 2280.

Of property held in trust or by virtue of office, *see* Stealing, § 2272.]

ARTICLE 58

Conviction

Section 610. Prisoner indicted may be convicted of lesser crime, or attempt.

611. *No conviction on unsupported testimony in certain cases.*

§ 610. Prisoner indicted may be convicted of lesser crime, or attempt. Upon the trial of an indictment, the prisoner may be convicted of the crime charged therein, or of a lesser degree of the same crime, or of an attempt to commit the crime so charged, or of an attempt to commit a lesser degree of the same crime.

[Penal Code § 35.]

[See note 33] **§ 611. No conviction on unsupported testimony in certain cases.** No conviction can be had for the offense specified in section **[two hundred and eighty-four] twenty-four hundred and sixty-one**, upon the testimony of the female seduced, unsupported by other evidence.

No conviction can be had for abduction, compulsory marriage, rape or defilement, upon the testimony of the female abducted, compelled or defiled, unsupported by other evidence..

[Penal Code § 286. Same, § 283, as amended by L. 1886, Ch. 663, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Conviction: *See also* Attempt to Commit a Crime, § 260.

Bars indictment for another degree, *see* General Provisions, § 32.

Foreign, as a defense, *see* General Provisions, § 33.

Forfeits office, *see* Public Offices and Officers, § 1839.

Manner of procuring, *see* General Provisions, § 41.

To precede punishment, *see* General Provisions, § 31.]

ARTICLE 60

Convict Made Goods

Section 620. Unlawful dealing in convict made goods.

[See note 34] **§ 620. Unlawful dealing in convict made goods.**

A person who:

1. Sells or exposes for sale convict made goods, wares or merchandise, without a license therefor, or having such license does not transmit to the secretary of state the statement required by article **[four] twelve** of the labor law; or,

2. Sells, offers for sale, or has in his possession for sale any such convict made goods, wares or merchandise without the brand, mark or label required by article **[four] twelve** of the labor law; or,

3. Removes or defaces or in any way alters such brand, mark or label,

Is guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not more than one thousand nor less than one hundred dollars, or by imprisonment for not less than ten days or by both such fine and imprisonment.

[Penal Code § 384b, added by L. 1893, Ch. 692, § 2, and amended by L. 1896, Ch. 931, § 5; L. 1897, Ch. 416, § 1.]

ARTICLE 62**Convicts**

Section 640. Convict protected by law.

641. Importing foreign convict.

642. Master of vessel bringing foreign convict.

643. Creditor of convict.

644. Convict voting.

§ 640. Convict protected by law. A convict sentenced to imprisonment is under the protection of the law, and any injury to his person, not authorized by law, is punishable in the same manner as if he were not sentenced or convicted.

[Penal Code § 709.]

§ 641. Importing foreign convict. An owner, master or commander of any vessel arriving from a foreign country, who knowingly lands or permits to land at any port, city, harbor, or place within this state, any passenger, seaman or other person who is a foreign convict of any crime which, if committed within this state, would be punishable therein, without giving notice thereof to the mayor of such city, or other principal municipal officer of such port or place, is guilty of a misdemeanor.

[Penal Code § 153.]

§ 642. Master of vessel bringing foreign convict. A person, being the master or commander of any vessel, or boat, arriving from a foreign country, who knowingly brings into this state a person who has been, or is a foreign convict of any offense, which if committed in this state would be punishable therein, is guilty of a misdemeanor.

[Penal Code § 440.]

§ 643. Creditor of convict. A person injured by the commission of a felony, for which the offender is sentenced to imprisonment in a state prison, is deemed the creditor of the offender, and of his estate after his death, within the provisions of the statutes relating thereto.

[In a case specified in the last section,] The damages sustained by the person injured by the felonious act, may be ascertained in an action brought for that purpose by him against the trustees of

the estate of the offender, appointed under the provisions of the statutes, or the executor or administrator of the offender's estate.

[Penal Code §§ 716, 717.]

§ 644. Convict voting. The prohibition to vote at an election, contained in any statute of the state, shall not apply to a person heretofore or hereafter convicted of any crime, who has been sentenced or committed therefor to one of the houses of refuge, or other reformatories organized under the statutes of the state.

[Penal Code § 711.]

[REFERENCES FOR OTHER SUBJECTS:

Convicts: Competency as witness, *see* Witness, § 2444.

Place of confinement may be changed, *see* Sentence, § 2180.]

ARTICLE 64

Corporations

Section 660. Frauds in the organization of corporations.

661. *Frauds in procuring organization of corporations.*

662. *Fraudulent issue of stocks and bonds.*

663. *Acting for foreign corporations not authorized to do business in this state.*

664. *Misconduct of officers and directors of stock corporations.*

665. *Misconduct of directors, officers, agents and employees of corporations.*

666. *Unlawful use of certain titles in connection with corporate name.*

667. *Presumption of knowledge of corporate condition and business and of assent thereto by directors; definitions.*

668. *Frauds in preparing accounts.*

669. *Misconduct at corporate elections.*

670. *Misconduct of officers and agents of pipe-line corporations.*

§ 660. Frauds in the organization of corporations.

A person who:

1. Without authority subscribes the name of another to or inserts the name of another in any prospectus, circular or other

advertisement or announcement of any corporation or joint-stock association existing or intended to be formed, with intent to permit the same to be published, and thereby to lead persons to believe that the person whose name is so subscribed is an officer, agent, member or promoter of such corporation or association; or,

2. Signs the name of a fictitious person to any subscription for or agreement to take stock in any corporation, existing or proposed; or,

3. Signs to any such subscription or agreement the name of any person, knowing that such person does not intend in good faith to comply with the terms thereof, or under any understanding or agreement, that the terms of such subscription or agreement are not to be complied with or enforced,

Is guilty of a misdemeanor.

[Penal Code § 590, as amended by L. 1892, Ch. 692, § 1.]

§ 661. Frauds in procuring organization of corporations. An officer, agent or clerk of a corporation, or of persons proposing to organize a corporation, or to increase the capital stock of a corporation, who knowingly exhibits a false, forged or altered book, paper, voucher, security or other instrument of evidence to any public officer or board authorized by law to examine the organization of such corporation, or to investigate its affairs, or to allow an increase of its capital, with intent to deceive such officer or board in respect thereto, is punishable by imprisonment in a state prison not exceeding ten years.

[Penal Code § 592, as amended by L. 1892, Ch. 662, § 20.]

§ 662. Fraudulent issue of stocks and bonds. An [See note 36] officer, agent or other person in the service of any joint-stock company or corporation formed or existing under the laws of this state, or of the United States or of any state or territory thereof, or of any foreign government or country, who wilfully and knowingly, with intent to defraud [either]:

1. Sells, pledges or issues, or causes to be sold, pledged or issued, or signs or executes, or causes to be signed or executed with intent to sell, [pledges] pledge or [issues] issue, or causes to be sold, pledged or issued, any certificate or instrument purporting to be a certificate or evidence of the ownership of any share or shares of such company or corporation, or any bond or evidence of debt, or writing purporting to be a bond or evidence of debt of such company or corporation, without being first thereto duly authorized by such company or corporation, or contrary to the charter or laws under which such corporation or

company exists, or in excess of the power of such company or corporation or of the limit imposed by law or otherwise upon its power to create or issue stock or evidences of debt; or,

2. Reissues, sells, pledges or disposes of, or causes to be reissued, sold, pledged or disposed of, any surrendered or canceled certificates, or other evidence of the transfer or ownership of any such share or shares,

Is punishable by imprisonment for a term not exceeding seven years, or by a fine not exceeding three thousand dollars, or by both.

[Penal Code § 591, as amended by L. 1892, Ch. 662, § 19.]

§ 663. Acting for foreign corporations not authorized to do business in this state. Any person, or corporation, who:

1. Acts as agent or representative of any mortgage company or co-operative loan and building association organized outside of this state, while such mortgage company or co-operative loan and building association shall not be authorized under a license of the superintendent of banks to do business in this state; or,

2. Acts as agent or representative in this state of a foreign corporation, other than a moneyed corporation, with the words "trust," "bank," "banking," "insurance," "assurance," "indemnity," "guarantee," "guaranty," "savings," "investment," "loan," "benefit," or any other words or terms indicating, representing or holding out such company to be a moneyed corporation as a part of its name or corporate title, or who, in connection with such corporation or otherwise, shall put forth any sign containing said name, or who shall advertise or publish the said company as doing business in this state, directly or indirectly, through agents or otherwise, while such company shall not be authorized under a certificate procured from the secretary of state pursuant to section fifteen of the general corporation law to do business in this state,

Is guilty of a misdemeanor.

[Penal Code § 593, as amended by L. 1892, Ch. 692, § 1; L. 1904, Ch. 489, § 1.]

[See note 37] **§ 664. Misconduct of officers and directors of stock corporations.** A director of a stock corporation, who concurs in any vote or act of the directors of such corporation, or any of them, by which it is intended:

1. To make a dividend, except from the surplus profits arising from the business of the corporation, and in the cases and manner allowed by law; or,

2. To divide, withdraw, or in any manner pay to the stockholders, or any of them, any part of the capital stock of the corporation; or to reduce such capital stock without the consent of the legislature; or,

3. To discount or receive any note or other evidence of debt in payment of an instalment of capital stock actually called in, and required to be paid, or with intent to provide the means of making such payment; or,

4. To receive or discount any note or other evidence of debt with intent to enable any stockholder to withdraw any part of the money paid in by him on his stock; or,

5. To apply any portion of the funds of such corporation, except surplus profits, directly or indirectly, to the purchase of shares of its own stock, [or]

Is guilty of a misdemeanor.

An officer or director of a stock corporation who:

[1.] 6. Issues, participates in issuing, or concurs in a vote to issue any increase of its capital stock beyond the amount of the capital stock thereof, duly authorized by or in pursuance of law; or,

[2.] 7. Sells, or agrees to sell, or is directly or indirectly interested in the sale of any share of stock of such corporation, or in any agreement to sell the same, unless at the time of such sale or agreement he is an actual owner of such share,

Is guilty of a misdemeanor, punishable by imprisonment for not less than six months, or by a fine not exceeding five thousand dollars, or by both.

[Penal Code § 594. Same, § 610, as amended by L. 1892, Ch. 692, § 1.]

§ 665. Misconduct of directors, officers, agents and employees of corporations. A director, officer, agent or employee of any corporation or joint-stock association who:

1. Knowingly receives or possesses himself of any of its property otherwise than in payment for a just demand, and with intent to defraud, omits to make or to cause or direct to be made a full and true entry thereof in its books and accounts; or,

2. Makes or concurs in making any false entry, or concurs in omitting to make any material entry in its books or accounts; or,

3. Knowingly (a), concurs in making or publishing any written report, exhibit or statement of its affairs or pecuniary condition containing any material statement which is false, or (b), omits or concurs in omitting any statement required by law to be contained therein; or,

4. Having the custody or control of its books, wilfully refuses or neglects to make any proper entry in the stock book of such corporation as required by law, or to exhibit or allow the same to be inspected, and extracts to be taken therefrom by any person entitled by law to inspect the same, or take extracts therefrom; or,

5. If a notice of an application for an injunction affecting the property or business of such joint-stock association or corporation is served upon him, omits to disclose the fact of such service and the time and place of such application to the other directors, officers and managers thereof; or,

6. Refuses or neglects to make any report or statement lawfully required by a public officer,

Is guilty of a misdemeanor.

[Penal Code § 611, as amended by L. 1892, Ch. 692, § 1; subd. 2, 3, as amended by L. 1906, Ch. 286, §§ 1, 2; subd. 4, as amended by L. 1893, Ch. 692, § 1.]

[See note 38] **§ 666. Unlawful use of certain titles in connection with corporate name.**

Any person, association or corporation, other than a moneyed corporation, who shall within this state directly or indirectly, or through agents or representatives transact business under, or in anywise use a corporate name or a corporate title with the words "trust," "bank," "banking," "insurance," "assurance," "indemnity," "guarantee," "guaranty," "savings," "investment," "loan," "benefit," as a part of such name or title, is guilty of a misdemeanor; provided, however, that any domestic corporation, other than a moneyed corporation, heretofore duly organized and heretofore duly authorized by law to use and [at the time of the passage of this act] on April twenty-ninth, nineteen hundred and four lawfully using either or any of such words as a part of its lawful corporate title, may lawfully continue to use such corporate title, provided and if it, being a corporation other than a moneyed corporation, shall, wherever the name shall be printed, written, engraved or displayed, add, in legible English characters, of substantially the same size and style as the name, directly under the said name or immediately in connection therewith, wherever so used, the words "not a moneyed corporation."

[Penal Code § 608, added by L. 1904, Ch. 489, § 2.]

[See note 39] **§ 667. Presumption of knowledge of corporate condition and business and of assent thereto by directors; definitions.** It is no defense to a prosecution for a violation of the provisions of this [chapter] article and article

twenty-eight, that the corporation is a foreign corporation, if it carries on business or keeps an office therefor in this state.

The term "director" as used in this [chapter] article and article twenty-eight includes any of the persons having, by law, the direction or management of the affairs of a corporation, by whatever name described.

A director of a corporation or joint-stock association is deemed to have such a knowledge of the affairs of the corporation or association as to enable him to determine whether any act, proceeding or omission of its directors is a violation of this [chapter] article and article twenty-eight. If present at a meeting of the directors at which any act, proceeding or omission of such directors in violation of this [chapter] article and article twenty-eight occurs, he must be deemed to have concurred therein, unless he at the time causes or in writing requires his dissent therefrom to be entered on the minutes of the directors. If absent from such meeting, he must be deemed to have concurred in any such violation, if the facts constituting such violation appear on the record or minutes of the proceedings of the board of directors, and he remains a director of the corporation for six months thereafter without causing or in writing requiring his dissent from such violation to be entered on such record or minutes.

[Penal Code § 614, as amended by L. 1892, Ch. 692, § 1.]

§ 668. Frauds in preparing accounts. A director, officer or agent of any corporation or joint-stock association, who knowingly receives or possesses himself of any property of such corporation or association, otherwise than in payment of a just demand and with intent to defraud, omits to make, or cause or direct to be made, a full and true entry thereof, in the books or accounts of such corporation or association; and a director, officer, agent or member of any corporation or joint-stock association who, with intent to defraud, destroys, alters, mutilates, or falsifies any of the books, papers, writings or securities belonging to such corporation or association, or makes or concurs in making any false entry, or omits or concurs in omitting to make any material entry in any book of accounts, or other record or document kept by such corporation or association, is punishable by imprisonment in a state prison not exceeding ten years, or by imprisonment in a county jail not exceeding one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

[Penal Code § 602, as amended by L. 1892, Ch. 662, § 21.]

§ 669. Misconduct at corporate elections. Any person who:

[2.] 1. Being entitled to vote at any meeting of the stockholders or bondholders or both of a stock corporation, sells his vote, or who issues a proxy to vote to any person for any sum of money or thing of value, except as expressly authorized by law; or,

[3.] 2. Acts as an inspector of election at any such meeting and violates an oath taken by him in pursuance of law as such inspector, or violates the provisions of an oath required by law to be taken by him as such inspector, or is guilty of any dishonest or corrupt conduct as such inspector,

Is guilty of a misdemeanor.

[Penal Code § 613; as amended by L. 1892, Ch. 692, § 1; subd. 2, as amended by L. 1901, Ch. 588, § 3.]

§ 670. Misconduct of officers and agents of pipeline corporations. Any officer, agent or manager of a pipeline corporation who:

1. Neglects or refuses to transport any product delivered for transportation, or to accept and allow a delivery thereof in the order of application, according to the general rules of the corporation, as provided by law; or,

2. Charges, accepts or agrees to accept for such receipt, transportation and delivery; a sum different from the amount fixed by such regulations; or,

3. Allows or pays, or agrees to allow or pay, or suffers to be allowed or paid or repaid, any draw-back, rebate or allowance, so that any person shall, by any device, have or procure any transportation of products over such pipe-line at a less rate or charge than is fixed in such regulations,

Is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding six months, or by both.

[Penal Code § 612, as amended by L. 1892, Ch. 692, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Corporations; falsely indicating person as a corporate officer, *see* Forgery, § 882.

Corrupt; corruptly, *see* Construction of Terms, § 3.

Counterfeit coin, money and stamps, *see* Forgery, §§ 894, 895.

County clerk, omitting to publish statements required by law, *see* Public Offices and Officers, § 1869.

[REFERENCES FOR OTHER SUBJECTS — Continued:]

County officer, neglecting to make report, *see* Public Offices and Officers, § 1842.

County treasurer, misappropriation by, *see* Public Offices and Officers, § 1867.

Courts; children's court, *see* Children, § 487.

Crime: Definition, *see* Definitions, § 2.

Jury to find degree, *see* General Provisions, § 30.]

ARTICLE 66**Crime Against Nature**

Section 690. Crime against nature; sodomy.

691. Penetration sufficient.

§ 690. Crime against nature; sodomy. A person who carnally knows in any manner any animal or bird; or carnally knows any male or female person by the anus or by or with the mouth; or voluntarily submits to such carnal knowledge; or attempts sexual intercourse with a dead body is guilty of sodomy and is punishable with imprisonment for not more than twenty years.

[Penal Code § 303, as amended by L. 1886, Ch. 31, § 6; L. 1892, Ch. 325, § 4.]

§ 691. Penetration sufficient. Any sexual penetration, however slight, is sufficient to complete the crime specified in the last section.

[Penal Code § 304.]

[REFERENCES FOR OTHER SUBJECTS:]

Crops; injury to, *see* Malicious Mischief, § 1426.

Crops and timber; burning, *see* Malicious Mischief, § 1421.

Cruelty to animals, *see* Animals.

Dangerous weapons, *see* Weapons.

Day's work, *see* Labor, § 1271.

Dead body, *see* Sepulture.

Depositions; disclosing, *see* Public Justice, § 1780.

Different punishments for same offense, *see* Punishment, § 1938.

Disfranchisement, *see* Civil Rights, § 511.]

ARTICLE 68**Disguises**

Section 710. Disguised and masked persons; masquerades.

711. Allowing masquerades to be held in places of public resort.

712. Leaving state with intent to elude provisions of this article.

713. Witnesses' privilege.

§ 710. Disguised and masked persons; masquerades. An assemblage in public houses or other places of three or more persons disguised by having their faces painted, discolored, colored or concealed, is unlawful, and every individual so disguised, present thereat, is guilty of a misdemeanor; but nothing contained in this section shall be construed as prohibiting any peaceful assemblage for a masquerade or fancy dress ball or entertainment, or any assemblage therefor of persons masked, or as prohibiting the wearing of masks, fancy dresses, or other disguise by persons on their way to or returning from such ball or other entertainment; if, when such masquerade, fancy dress ball or entertainment is held in any of the cities of this state, permission is first obtained from the police authorities in such cities respectively for the holding or giving thereof, under such regulations as may be prescribed by such police authorities.

[Penal Code § 452.]

[See note 40] **§ 711. Allowing masquerades to be held in places of public resort.** A person being a proprietor, manager or keeper of a theatre, circus, public garden, public hall, or other place of public meeting, resort or amusement, for admission to which any price or payment is demanded, who permits therein any assemblage of persons masked, prohibited in this **[title]** article, is guilty of a misdemeanor, punishable by imprisonment in a state prison not exceeding two years, or in a county jail not exceeding one year, or by a fine not exceeding five thousand dollars and not less than one thousand dollars, or by both such fine and imprisonment.

[Penal Code § 453.]

[See note 81] **§ 712. Leaving state with intent to elude provisions of this article.** A person who leaves the state, with

intent to elude any provision of this [title] article, or to commit any act without the state, which is prohibited by this [title] article, or who, being a resident of this state, does any act without the state, which would be punishable by the provisions of this [title] article, if committed within the state, is guilty of the same offense and subject to the same punishment, as if the act had been committed within this state.

[Penal Code § 461.]

§ 713. Witnesses' privilege. No person shall be ex-^[See note 98]cused from giving evidence upon an investigation or prosecution for any of the offenses specified in this [title] article, upon the ground that the evidence might tend to convict him of a crime. But such evidence shall not be received against him upon any criminal proceeding.

[Penal Code § 469.]

ARTICLE 70

Disorderly Conduct

Section 720. Disorderly conduct on public conveyances.

721. Eavesdropping.

§ 720. Disorderly conduct on public conveyances.^[See note 41] Any person who shall by any offensive or disorderly act or language, annoy or interfere with any person [or persons] in any place or with the passengers of any public stage, railroad car, ferry boat, or other public conveyance, or who shall disturb or offend the occupants of such stage, car, boat or conveyance, by any disorderly act, language or display, although such act, conduct or display may not amount to an assault or battery, shall be deemed guilty of a misdemeanor.

[Penal Code § 675, pt., as amended by L. 1882, Ch. 384, § 1; L. 1891, Ch. 327, § 1. For remainder of section, see § 43.]

§ 721. Eavesdropping. A person, who secretly loiters about a building, with intent to overhear discourse therein, and to repeat or publish the same to vex or annoy or injure others, is guilty of a misdemeanor.

[Penal Code § 436.]

[REFERENCES FOR OTHER SUBJECTS:

Disorderly conduct: For which no punishment is expressly provided, *see* General Provisions, § 43.

Interrupting session of legislature, *see* Legislature, §§ 1291, 1292.

Disorderly houses, *see* Indecency.

Dissection of dead human body, *see* Sepulture, §§ 2213–2215.

Documents, *see* Records and Documents.

Dramatic compositions; producing without owner's consent, *see* Business and Trade, § 441.

Drugs: *See also* Abortion, § 82.

Careless distribution of samples, *see* Public Health, § 1747.

Death from use of, to produce miscarriage, *see* Homicide, § 1050.

Labeling, *see* Public Health, § 1742.]

ARTICLE 72**Dueling**

Section 730. Challenge defined.

731. Dueling defined; punishment.

732. Challenger or abettor.

733. Attempts to induce a challenge.

734. Posting for not fighting.

735. Duel outside of state.

736. Where such person may be indicted and tried.

737. Witnesses.

§ 730. Challenge defined. Any word, spoken or written, or any sign, uttered or made to any person, expressing or implying, or intended to express or imply, a desire, request, invitation, or demand, to fight a duel, or to meet for the purpose of fighting a duel, is deemed a challenge.

[Penal Code § 236.]

§ 731. Dueling defined; punishment. A person who fights a duel, or engages in any combat with another, with deadly weapons, by previous agreement, or upon a previous quarrel, although no death or wound ensues, is punishable by imprisonment for a term not exceeding ten years. A person convicted under this section is thereafter incapable of holding, or of being elected or

appointed to any office or place or trust or emolument, civil or military, within the state.

[Penal Code § 234, as amended by L. 1892, Ch. 662, § 10.]

§ 732. Challenger or abettor. A person who challenges another to fight a duel, or who sends a written or verbal message, purporting or intended to be a challenge to fight a duel, or an invitation to a combat with deadly weapons, or who accepts such a challenge or message, or who knowingly carries or delivers such a challenge or message, or who is present at the time appointed for such a duel or combat, or when such a duel or combat is fought, either as second, aid, or surgeon, or who advises or abets, or gives any countenance or assistance to such a duel or combat upon previous agreement, is punishable by imprisonment for not more than seven years.

[Penal Code § 235.]

§ 733. Attempts to induce a challenge. A person guilty of sending or using to another any word or sign whatever, with intent to provoke or induce such person to give or receive a challenge to fight a duel, is guilty of a misdemeanor.

[Penal Code § 237.]

§ 734. Posting for not fighting. A person who posts or advertises another for not fighting a duel, or for not sending or accepting a challenge to fight a duel, or who, in writing or in print, uses reproachful or contemptuous language to or concerning any one, for not sending or accepting a challenge to fight a duel, or for not fighting a duel, is guilty of a misdemeanor.

[Penal Code § 238.]

§ 735. Duel outside of state. A person who leaves this [See note 42] state with intent to elude any provision of this [chapter] article, or to commit any act without this state, which is prohibited by this [chapter] article, or who, being a resident of this state, does any act without this state, which would be punishable by the provisions of this [chapter] article, if committed within this state, is guilty of the same offense, and subject to the same punishment, as if the act had been committed, or was to have been consummated within this state.

[Penal Code § 239.]

§ 736. Where such person may be indicted and tried. A person offending against any provision of the last section may be indicted and tried in any county within this state; but the person so offending may plead a former conviction or ac-

quittal in another state or country for the same offense, and if such plea is admitted or established ~~that he has been acquitted~~ in any other state or country for the same offense, and if such plea is admitted or established against him, for such offense.

[Penal Code § 240.]

[See note 42] **§ 737. Witnesses.** A person who is a witness in the trial of a crime, and who is not a party to the crime, is not liable for any offense committed by him in the course of his testimony, or in the course of his investigation or trial for an offense, upon the ground that his testimony is false or that he has committed a crime. But evidence given by him in any case in which he is a witness, received against him, in any case in which he is a witness, is not admissible in evidence against him. [Penal Code § 241.]

[REFERENCES FOR OTHER SECTIONS]
 Dueling, *see also* Homi
 Duress: *See* Extortion
 Rule as to person
 Threats, § 859.
 Eavesdropping, *see* Diso
 Editors; liability of, *see*
 § 1324.
 Effect of penal law, *see*
 Elections; corporate, *see*

ART

Elective

Section 750. Definitions.

- 751. *Misdemeanors at, or in connection with, political caucuses, primary elections, enrollment in political parties, committees, and conventions.*
- 752. *False registration.*
- 753. *Misconduct of registry officers.*
- 754. *Mutilation, destruction or loss of registry list.*
- 755. *Solicitation of money for newspaper support.*
- 756. *Misdemeanors concerning police commissioners or officers or members of any police force.*
- 757. *Failure of house-dweller to answer inquiries.*

- Section 758. Removal, mutilation or destruction of election booths, supplies, poll-lists or cards of instruction.*
- 759. Refusal to permit employees to attend election.*
- 760. Misconduct in relation to certificates of nomination and official ballots.*
- 761. Failure to deliver official ballots.*
- 762. Misconduct of election officers and watchers.*
- 763. Violation of election law by public officer.*
- 764. Misdemeanors in relation to elections.*
- 765. Illegal voting.*
- 766. False returns.*
- 767. Furnishing money or entertainment to induce attendance at polls.*
- 768. Giving consideration for franchise.*
- 769. Receiving consideration for franchise.*
- 770. Testimony on prosecution.*
- 771. Bribery or intimidation of elector in military service of United States.*
- 772. Duress and intimidation of voters.*
- 773. Conspiracy to promote or prevent election.*
- 774. Political assessments.*
- 775. Corrupt use of position or authority.*
- 776. Failure to file candidate's statement of expenses.*
- 777. Procuring fraudulent certificates in order to vote.*
- 778. Presenting fraudulent certificates to registry boards to procure registration.*
- 779. Soliciting from candidates.*
- 780. Judicial candidates not to contribute.*
- 781. Limitation of amounts to be expended by candidates.*
- 782. Penalty.*

§ 750. Definitions. The words "election" or "town" [See note 43] meeting," as used in any of the [foregoing] sections of [title five] this article excepting section [forty-one] seven hundred and fifty-one, shall be deemed to apply to and include all general and special elections, municipal elections and town meetings.

[Penal Code § 41-zzz, added by L. 1907, Ch. 544, § 1.]

§ 751. Misdemeanors at, or in connection with, [See note 44] **political caucuses, primary elections, enrollment in political parties, committees, and conventions.** Any person who:

1. At a political caucus, or at a primary election of a party, wilfully votes, or attempts to vote, without being entitled to do

so, or votes, or attempts to vote on any other name than his own, or on the same day more than once on his own name; or,

2. Votes, or offers to vote, at a political caucus, or primary election of a party, having voted at the political caucus or primary election of any other political party on the same day, or being at the time enrolled in a party other than the party at whose primary he votes or offers to vote; or, who causes his name to be placed upon the rolls of a party organization of one party while his name is by his consent or procurement upon the rolls of a party organization of another party; or,

3. At a political caucus, or at a primary election, for the purpose of affecting the result thereof, votes or attempts to vote two or more ballots, or adds, or attempts to add, any ballot to those lawfully cast, by fraudulently introducing the same into the ballot box before or after the ballots therein have been counted, or who adds to or mixes with, or attempts to add to or mix with, the ballots lawfully cast, another ballot or other ballots before the votes have been counted or canvassed, or while the votes are being counted or canvassed; or at any time abstracts any ballots lawfully cast, with intent to change the result of such election or to change the count thereat in favor of or against any person voted for at such election, or to prevent the ballots being recounted or used as evidence; or carries away, destroys, loses, conceals, detains, secretes, mutilates, or attempts to carry away, destroy, conceal, detain, secrete, or mutilate, any tally lists, ballots, ballot boxes, enrollment books, certificates of return, or any official documents provided for by the [primary] election law or otherwise by law, for the purpose of affecting or invalidating the result of such election, or of destroying evidence; or in any manner interferes with the officers holding any primary election or conducting the canvass of the votes cast thereat, or with voters lawfully exercising, or seeking to exercise, their right of voting at such primary election; or,

4. For the purpose of securing enrollment as a member of a political party, or for the purpose of being allowed to vote at a primary election as a member of a political party, makes and deposits or files, or makes or deposits or files with a board of primary inspectors, or with any public officer or board, a false declaration of party affiliation or wilfully makes a false declaration of residence, either by an enrollment blank or otherwise, or falsely answers any pertinent question asked him by the board of primary inspectors, or the board of election inspectors, or by a member thereof; or knowingly, on any day of registration or in the interval between any such day and the next ensuing day of general election, reveals or discloses the names or number of the enrolled elect-

ors of any party, or makes, publishes, or circulates a list of such names, or of any thereof, or does or permits any act by which the name of the party with which an elector has enrolled, or the number of electors enrolled with a party, may be disclosed; or,

5. Fraudulently or wrongfully does any act tending to affect the result of any election at a political caucus or of any primary election or convention; or,

6. Induces or attempts to induce any officer, teller, canvasser, poll clerk, primary election inspector, election inspector, custodian of primary records, or clerk or employee of or in the office of a custodian of primary records at a political caucus, or primary election, or convention, or while discharging any duty or performing any act required or made necessary by the [primary] election law, to do any act in violation of his duty, or in violation of the [primary] election law; or,

7. Directly or indirectly, by himself or through any other person, pays, or offers to pay, money or other valuable thing, or promises a place or position, or offers any other consideration or makes any other promise, to any person, to induce any voter [or voters] to vote, or refrain from voting, at a political caucus, primary election, or convention, for or against any particular person [or persons]; or does or offers to do, anything to hinder or delay any elector from taking part in, or voting at, a political caucus, or at a primary election; or,

8. By menace or other unlawful or corrupt means, directly or indirectly, influences or attempts to influence, the vote of any person entitled to vote at a political caucus, primary election, or convention, or obstructs such person in voting, or prevents him from voting thereat; or,

9. Directly or indirectly, by himself or through any other person, receives money or other valuable thing, or a promise of a place or position, before, at, or after any political caucus, primary election, or convention, for voting or refraining from voting for or against any person, or for voting or refraining from voting at a political caucus, primary election, or convention; or,

10. Being an officer, teller, canvasser, primary inspector, at a political caucus, or at a primary election, knowingly permits any fraudulent vote to be cast, or knowingly receives and deposits in the ballot box any ballots offered by any person not qualified to vote; or permits the removal of ballots from the polling place before the close of the polls, or refuses to receive ballots intended for the electors of the district, or refuses to deliver to any elector ballots intended for the electors of the district which have been delivered to the board of inspectors, or permits electioneering within the polling place or within one hundred feet therefrom, or

fails to keep order within the polling place, or permits any person other than the inspectors to accompany an elector into a voting booth, or enters the voting booth with any elector, except one entitled to receive assistance in the preparation of his ballot, or permits any person other than a voter, who has not voted, or watcher to come within the guard rail or removes or permits another to remove any mark placed upon a ballot for its identification; or,

11. Being an officer, custodian of primary records, clerk or employee of or in the office of a custodian of primary records, election inspector, primary inspector, or poll clerk, knowingly puts opposite the name of an elector in an enrollment book any enrollment number other than the number opposite such name on the registration books of such district, or knowingly delivers to or receives from any elector on any day of registration an enrollment blank or envelope on which is any other enrollment number than that so opposite his name on such books of registration, or knowingly transcribes from an enrollment blank to the enrollment books any refusal to enroll or enrollment not indicated on the enrollment blank of the elector of such district whose enrollment number appears on the same, or refuses or wilfully neglects to transcribe from any enrollment blank to the proper enrollment books any refusal to enroll or enrollment indicated on the enrollment blank of such an elector, enrolls or attempts to enroll as a member of a political party, upon any of the enrollment books, any person not qualified to enroll as such, or fraudulently enters thereupon the name of any person who has not enrolled as a member of any political party, or refuses or wilfully neglects to enroll upon any of the enrollment books the name of any qualified person who has demanded to be enrolled as a member of a political party, or at any time strikes from any of the enrollment books the name of any person duly enrolled, or at any time adds to any of the enrollment books the name of any person not qualified to be enrolled as a member of a political party, or the name of any person who in fact has not enrolled as such; or makes marks upon, mutilates, carries away, conceals, alters, or destroys any enrollment blank or enrollment envelope used or deposited by an elector on a day of registration for the purpose of enrolling or refusing to enroll himself as a member of a political party; or mutilates, carries away, conceals, alters, or destroys, any statement or declaration made by a qualified voter for the purpose of enrolling as a member of a party; or, prior to the close of the last meeting for registration in any year, mutilates, carries away, conceals, alters, or destroys any enrollment blanks or enrollment envelopes not then delivered to electors; or,

12. Being an officer, teller, canvasser, election inspector, primary inspector, custodian of primary records, clerk or employee of or in the office of a custodian of primary records, or any officer of a political committee or a convention, wilfully omits, refuses or neglects to do any act required by the [primary] election law or otherwise by law, or violates any of the provisions of the [primary] election law, or makes or attempts to make any false canvass of the ballots cast at a political caucus, primary election, or convention, or a false statement of the result of a canvass of the ballots cast thereat; or,

13. Being a custodian of primary records, or an officer of a political committee, or of a convention, who is charged with, or assumes, the duty of making up the preliminary roll of any convention, wilfully includes in such roll the name of any person not certified to be elected thereto in accordance with the provisions of law, or who wilfully omits from such roll the name of any person who is so certified to be a delegate to such convention,

Is guilty of *amisdeemeanor*.

[Penal Code § 41, repealed by L. 1890, Ch. 94, § 2; new § 41, added by L. 1890, Ch. 94, § 1, and amended by L. 1892, Ch. 693, § 1; L. 1895, Ch. 721, § 1; L. 1897, Ch. 255, § 1; L. 1898, Ch. 197, § 1; L. 1899, Ch. 530, § 1; subds. 2, 6, as amended by L. 1905, Ch. 625, §§ 1, 2; subd. 10, by L. 1901, Ch. 371, § 1.]

§ 752. False registration. Any person who:

1. Causes or attempts to cause his name to be placed upon any list or register of voters in more than one election district for the same election, or more than once in the same election district; or,

2. [Who] Causes or attempts to cause his name to be placed upon a list or register of voters knowing that he, will not be a qualified voter in the district at the election for which such list or register is made; or,

3. [Who] Registers or attempts to register as an elector under any other name than his own; or,

4. [Who] Knowingly gives a false residence within the election district when registering as an elector; or,

5. [Who] Knowingly permits, aids, assists, abets, procures, commands or advises another to commit any such act,

Is guilty of a felony, punishable by [1] imprisonment in a state prison for not more than five years.

[Penal Code § 41a, added by L. 1890, Ch. 94, § 1, and amended by L. 1892, Ch. 693, § 1; L. 1897, Ch. 255, § 1; L. 1901, Ch. 371, § 2; L. 1905, Ch. 625, § 3.]

§ 753. Misconduct of registry officers. Any member or clerk of a registry board who wilfully violates any provision of the election law relative to the registration of electors or wilfully neglects or refuses to perform any duty imposed on him by law, or is guilty of any fraud in the execution of the duties of his office, is guilty of a felony, punishable by imprisonment for not more than ten years.

[Penal Code § 41c, added by L. 1890, Ch. 94, § 1, and amended by L. 1892, Ch. 693, § 1; L. 1893, Ch. 692, § 1; renumbered § 41aa and amended by L. 1905, Ch. 625, § 4.]

§ 754. Mutilation, destruction or loss of registry list. Any person who wilfully loses, alters, destroys or mutilates the list or register of voters in any election district, or a certified copy thereof, or removes from the place of registration the public copy of such registration, after the making of the same and before the closing of the polls of the election for which the same is made, is guilty of a misdemeanor.

[Penal Code § 41b, added by L. 1890, Ch. 94, § 1, and amended by L. 1892, Ch. 693, § 1; L. 1905, Ch. 625, § 5.]

§ 755. Solicitation of money for newspaper support. Any person who solicits from a candidate for an elective office money or other property as a consideration for a newspaper or other publication supporting any candidate for an elective office, is guilty of a misdemeanor.

[Penal Code § 41bb, added by L. 1900, Ch. 70, § 1.]

§ 756. Misdemeanors concerning police commissioners or officers or members of any police force. Any person who, being a police commissioner or an officer or member of any police force in this state[, either]:

1. Uses or threatens or attempts to use his official power or authority, in any manner, directly or indirectly, in aid of or against any political party, organization, association or society, or to control, affect, influence, reward or punish, the political adherence, affiliation, action, expression or opinion of any citizen; or,

2. Appoints, promotes, transfers, retires or punishes an officer or member of a police force, or asks for or aids in the promotion, transfer, retirement or punishment of an officer or member of a police force, because of the party adherence or affiliation of such officer or member, or for or on the request, direct or indirect, of any political party, organization, association or so-

ciety, or of any officer, member of committee or representative official or otherwise of any political party, organization, association or society; or,

3. Contributes any money, directly or indirectly, to, or solicits, collects or receives any money for, any political fund, or joins or becomes a member of any political club, association, society or committee,

Is guilty of a misdemeanor.

[Penal Code § 41aa, added by L. 1899, Ch. 529, § 1, and re-numbered § 41c by L. 1905, Ch. 625, § 4.]

§ 757. Failure of house-dweller to answer inquiries. Any person dwelling in a building in a city who wilfully refuses to truly answer any question or who shall give false answers to any questions asked by any elector of such city, between the first meeting of the boards of registry therein for any election and the closing of the polls at such election, relating to the residence and qualifications as a voter of any person dwelling in such building, or of any person who appears upon the list or registry of voters made by a board of registry as residing at such building, or who knowingly harbors or conceals any person who has falsely registered as a voter, or who shall rent any room or [rooms,] bed [or beds] to any person to be used by such person for himself or any other person for the purpose of unlawfully registering or voting therefrom is guilty of a misdemeanor.

[Penal Code § 41d, added by L. 1890, Ch. 94, § 1, and amended by L. 1892, Ch. 693, § 1; L. 1901, Ch. 371, § 3; L. 1905, Ch. 625, § 6.]

§ 758. Removal, mutilation or destruction of election booths, supplies, poll-lists or cards of instruction. Any person who:

1. During an election or town meeting, wilfully defaces or injures a voting booth or compartment, or wilfully removes or destroys any of the supplies or other conveniences placed in the voting booths or compartments in pursuance of law; or,

2. Before the closing of the polls, wilfully defaces or destroys any list of candidates to be voted for at such election or town meeting, posted in accordance with the election law; or,

3. During an election or town meeting, wilfully removes or defaces the cards for the instruction of voters, posted in accordance with the election law,

Is guilty of a misdemeanor.

[Penal Code § 41e, added by L. 1890, Ch. 94, § 1, and amended by L. 1892, Ch. 693, § 1; L. 1894, Ch. 714, § 1.]

§ 759. Refusal to permit employees to attend election. A person or corporation who refuses to an employee entitled to vote at an election or town meeting, the privilege of attending thereat, as provided by the election law, or subjects such employee to a penalty or reduction of wages because of the exercise of such privilege, is guilty of a misdemeanor.

[Penal Code § 41f, added by L. 1890, Ch. 94, § 1, and amended by L. 1892, Ch. 693, § 1.]

§ 760. Misconduct in relation to certificates of nomination and official ballots. A person who:

1. Falsely makes or makes oath to, or fraudulently defaces or destroys, a certificate of nomination or any part thereof; or,
2. Files or receives for filing a certificate of nomination, knowing that any part thereof was falsely made; or,
3. Suppresses a certificate of nomination which has been duly filed, or any part thereof; or,
4. Forges or falsely makes the official indorsement of any ballot; or,
5. Having charge of official ballots, destroys, conceals or suppresses them, except as provided [for] by law,

Is punishable by imprisonment for not more than five years.

[Penal Code § 41g, added by L. 1890, Ch. 94, § 1, and amended by L. 1892, Ch. 693, § 1; L. 1905, Ch. 625, § 7.]

§ 761. Failure to deliver official ballots. Any person who has undertaken to deliver official ballots to any city, town or village clerk, or inspector, as authorized by the election law, and neglects or refuses to do so, is guilty of a misdemeanor.

[Penal Code § 41h, added by L. 1892, Ch. 693, § 1.]

§ 762. Misconduct of election officers and watchers. Any election officer or watcher who:

1. Reveals to another person the name of any candidate for whom a voter has voted; or,
2. Communicates to another person his opinion, belief or impression as to how or for whom a voter has voted; or,
3. Places a mark upon a ballot, or does any other act by which one ballot can be distinguished from another, or can be identified; or,
4. Before the closing of the polls, unfolds a ballot which a voter has prepared for voting,

Is guilty of a misdemeanor.

[Penal Code § 41i, added by L. 1892, Ch. 693, § 1, and amended by L. 1894, Ch. 714, § 2; L. 1905, Ch. 625, § 8.]

§ 763. Violation of election law by public officer.

A public officer who omits, refuses or neglects to perform any act required of him by the election law, or refuses to permit the doing of any act authorized thereby, is, if not otherwise provided by law, punishable by imprisonment for not more than three years, or by a fine of not more than three thousand dollars, or both.

[Penal Code § 41j, added by L. 1892, Ch. 693, § 1.]

§ 764. Misdemeanor in relation to elections. Any person who:

1. Acts as an inspector of election, poll clerk or ballot clerk, without being able to read and write the English language, or without being otherwise qualified to hold such office; or,

2. Being an inspector of election, knowingly and wilfully permits or suffers any person to vote who is not entitled to vote thereat; or,

3. Wilfully and unlawfully obstructs, hinders or delays, or aids or assists in obstructing or delaying any elector on his way to a registration or polling place, or while he is attempting to register or vote; or,

4. Electioneers on election day within a polling place, or in any public street or in a building or room, unless such building or room has been maintained for such purpose for at least six months previous to said election day, or in any public manner within one hundred feet of a polling place; or displays any political poster or placard, except those lawfully provided, in or upon any building used for registration or election purposes during any day for registration or election; or,

5. Removes any official ballot from a polling place before the closing of the polls; or,

6. Unlawfully goes within the guard-rail of any polling place or unlawfully remains within such guard-rail after having been commanded to remove therefrom by any inspector of election; or,

7. Enters a voting booth with any voter or remains in a voting booth while it is occupied by any voter, or opens the door of a voting booth when the same is occupied by a voter, with the intent to watch such voter while engaged in the preparation of his ballot, except as authorized by the election law; or,

8. Being or claiming to be a voter, permits any other person to be in a voting booth with him while engaged in the preparation of his ballot, except as authorized by the election law, without openly protesting against and asking that such person be ejected; or,

9. Having lawfully entered a voting booth with a voter, requests, persuades or induces such voter to vote any particular

ballot or for any particular candidate, or, directly or indirectly, reveals to another the name of any candidate voted for by such voter, or anything occurring within such voting booth; or,

10. Shows his ballot after it is prepared for voting, to any person so as to reveal the contents, or solicits a voter to show the same; or,

11. Places any mark upon his ballot, or does any other act in connection with his ballot with the intent that it may be identified as the one voted by him; or,

12. Places any mark upon, or does any other act in connection with, a ballot or paster ballot, with the intent that it may afterwards be identified as having been voted by any particular person; or,

13. Receives an official ballot from any person other than one of the ballot clerks having charge of the ballots; or,

14. Not being a ballot clerk, delivers an official ballot to a voter; or,

15. Not being an inspector of election, receives from any voter a ballot prepared for voting; or,

16. Fails to return to the ballot clerks, before leaving the polling place or going outside the guard-rail, each ballot not voted by him; or,

17. Wilfully defaces, injures, mutilates, destroys or secretes any voting machine which belongs to any municipality for use at elections, and any person who commits or attempts to commit a fraud in the use of any such voting machine during an election; or,

18. Wilfully disobeys any lawful command of the board of inspectors, or any member thereof,

Is guilty of a misdemeanor.

This section shall apply to general and special elections, municipal elections and town meetings, but nothing therein shall prevent any person from receiving or delivering an unofficial sample ballot, or from receiving, delivering and voting an unofficial ballot as authorized by the election law.

[Penal Code § 41k, added by L. 1892, Ch. 693, § 1; subd. 18, added by L. 1893, Ch. 692, § 2; amended by L. 1894, Ch. 714, § 3; subd. 4, amended by L. 1896, Ch. 549, § 1, and L. 1905, Ch. 625, § 9; subd. 17, added by L. 1899, Ch. 265, § 1; subd. 17, renumbered 18 by L. 1899, Ch. 265, § 2.]

§ 765. Illegal voting. Any person who:

1. Knowingly votes or offers or attempts to vote at any election, or town meeting, when not qualified; or,

2. Procures, aids, assists, counsels or advises any person to go or come into any town, ward or election district, for the purpose of voting at any election, or town meeting, knowing that such person is not qualified; or,

3. Votes or offers or attempts to vote at an election, or town meeting more than once; or votes or offers or attempts to vote at an election, or town meeting under any other name than his own; or votes or offers or attempts to vote at an election, or town meeting in an election district or from a place where he does not reside; or,

4. Procures, aids, assists, commands or advises another to vote or offer or attempt[s] to vote at an election, or town meeting, knowing that such person is not qualified to vote thereat; or,

5. Being an inhabitant of another state or county, votes or offers or attempts to vote at an election, or town meeting in this state or permits, aids, assists, abets, procures, commands or advises another to commit or attempt any act named in this section,

Is guilty of felony, punishable by imprisonment in a state prison for not more than five years.

[6.] An offer or attempt under this section shall be deemed to be the doing of any act made necessary by the election law preliminary to the delivery of a ballot to an elector or the deposit of the ballot in the ballot box.

[Penal Code § 41m, added by L. 1892, Ch. 693, § 1, and amended by L. 1894, Ch. 77, § 2; L. 1894, Ch. 282, § 1; renumbered § 41-l, and amended by L. 1901, Ch. 371, § 5; L. 1905, Ch. 625, § 10.]

§ 766. False returns. An inspector or poll clerk of an election or town meeting, who intentionally makes, or attempts to make, a false canvass of the ballots cast thereat, or any false statement of the result of a canvass, though not signed by a majority of the inspectors, or any person who induces or attempts to induce any such inspector or clerk so to do, is guilty of a felony.

[Penal Code § 41n, added by L. 1892, Ch. 693, § 1; renumbered § 41m, by L. 1901, Ch. 371, § 6.]

§ 767. Furnishing money or entertainment to induce attendance at polls. Any person who directly or indirectly by himself or through any other person in connection with or in respect of any election:

1. Gives or provides, or causes to be given or provided, or shall pay for wholly or in part, any meat, drink, tobacco, refreshment or provision, to or for any person, other than as part of the

traveling expenses of candidates, political agents, committees and public speakers; or,

2. Pays, lends or contributes, or offers or promises to pay, lend or contribute any money or other valuable consideration, for any other purpose than the following matters and services at their reasonable, bona fide and customary value is guilty of a misdemeanor: Rent of halls and compensation of speakers, music and fireworks for public meetings, and expenses of advertising the same, together with the usual and minor expenses incident thereto; the preparation, printing and publication of posters, lithographs, banners, notices and literary material; the compensation of agents to supervise and prepare articles and advertisements in the newspapers, to examine questions of public interest bearing on the election, and report on the same; the pay of newspapers for advertisements, pictures, reading matter and additional circulation, the preparation and circulation of circular letters, pamphlets and literature bearing on the election; rent of offices and club rooms, compensation of such clerks and agents as shall be required to manage the necessary and reasonable business of the election and of attorneys at law for actual legal services rendered in connection with the election; the preparation of lists of voters, payment of necessary personal expenses by a candidate; the reasonable traveling expenses of the committeemen, agents, clerks and speakers, postage, express, telegrams and telephones; the expenses of preparing, circulating and filing a petition for nomination; compensation of poll workers or watchers, and food for the same, and election officers, hiring of carriages for conveying electors to the polls not exceeding three carriages for each election district in a city and not exceeding six carriages in any other election district; and the actual necessary railroad traveling expenses for transportation of voters to and from their places of residence for the purpose of voting.

[Penal Code § 410, added by L. 1892, Ch. 693, § 1, and amended by L. 1895, Ch. 885, § 1; renumbered § 41n, by L. 1901, Ch. 371, § 6; amended by L. 1906, Ch. 503, § 1; L. 1907, Ch. 398, § 1.]

§ 768. Giving consideration for franchise. Any person who directly or indirectly, by himself or through any other person:

1. Pays, lends or contributes, or offers or promises to pay, lend or contribute any money or other valuable consideration to or for any voter, or to or for any other person, to induce such voter or other person to vote or refrain from voting at any election, or to induce any voter or other person to vote or refrain from

voting at such election for any particular person or persons, or for or against any particular proposition submitted to voters, or to induce such voter to come to the polls or remain away from the polls at such election, or to induce such voter or other person to place or cause to be placed or refrain from placing or causing to be placed his name upon a registry of voters, or on account of such voter or other person having voted or refrained from voting or having voted or refrained from voting for or against any particular person or for or against any proposition submitted to voters, or having come to the polls or remained away from the polls at such election, or having placed or caused to be placed or refrained from placing or causing to be placed his or any other name upon the registry of voters; or,

2. Gives, offers or promises any office, place or employment, or promises to procure or endeavor to procure any office, place or employment to or for any voter, or to or for any other person, in order to induce such voter or other person to vote or refrain from voting at any election, or to induce any voter or other person to vote or refrain from voting at such election, for or against any particular person [or person,] or for or against any proposition submitted to voters, or to induce any voter or other person to place or cause to be placed or refrain from placing or causing to be placed his or any other name upon a registry of voters; or,

3. Gives, offers or promises any office, place, employment or valuable thing as an inducement for any voter or other person to procure or aid in procuring either a large or a small vote, plurality or majority at any election district or other political division of the state, for a candidate or candidates to be voted for at an election; or to cause a larger or smaller vote, plurality or majority to be cast or given for any candidate or candidates in one such district or political division than in another; or,

4. Makes any gift, loan, promise, offer, procurement or agreement as aforesaid to, for or with any person to induce such person to procure or endeavor to procure the election of any person or the vote of any voter at any election; or,

5. Procures or engages or promises or endeavors to procure, in consequence of any such gift, loan, offer, promise, procurement, or agreement the election of any person, or the vote of any voter, at such election; or,

6. Advances or pays or causes to be paid, any money or other valuable thing, to or for the use of any other person with the intent that the same, or any part thereof, shall be used in bribery at any election, or knowingly pays or causes to be paid any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part expended in bribery at any election,

Is guilty of [(1)] a felony, punishable by imprisonment for not more than five years, and in addition forfeits any office to which he may have been elected at the election with reference to which such offense was committed, and becomes incapable of holding any public office under the constitution and laws of the state for a period of five years after such conviction.

[Penal Code § 41p, added by L. 1892, Ch. 693, § 1, and amended by L. 1894, Ch. 714, § 5; renumbered § 41p and amended by L. 1901, Ch. 371, § 7; L. 1905, Ch. 625, § 11.]

§ 769. Receiving consideration for franchise. Any person who, directly or indirectly, by himself or through any other person:

1. Receives, agrees or contracts for, before or during an election, any money, gift, loan or other valuable consideration, office, place or employment for himself or any other person, for voting or agreeing to vote, or for coming or agreeing to come to the polls, or for remaining away or agreeing to remain away from the polls, or for refraining or agreeing to refrain from registering as a voter, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or for refraining or agreeing to refrain from voting for or against any particular person or persons at any election, or for or against any proposition submitted to voters at such election; or,

2. Receives any money or other valuable thing during or after an election on account of himself or any other person having voted or refrained from voting at such an election, or having registered or refrained from registering as a voter, or on account of himself or any other person having voted or refrained from voting for or against any particular person at such election, or for or against any proposition submitted to voters at such election, or on account of himself or any other person having come to the polls or remained away from the polls at such election, or having registered or refrained from registering as a voter, or on account of having induced any other person to vote or refrain from voting for or against any particular person [or persons] at such election, or for or against any proposition submitted to voters at such election,

Is guilty of [(1)] a felony, and in addition shall be excluded from the right of suffrage for five years after such conviction. [and] The county clerk of the county in which such person is convicted shall transmit a certified copy of the record of conviction to the clerk of each county of the state, within ten days thereafter, which copy shall be filed in his office by each of said clerks.

[Penal Code § 41q, added by L. 1892, Ch. 693, § 1, and

amended by L. 1894, Ch. 714, § 5; renumbered § 41p and amended by L. 1901, Ch. 371, § 8; L. 1905, Ch. 625, § 12.]

§ 770. Testimony on prosecution. A person offending ^[See note 45] against any section of this [title] article is a competent witness against another person so offending and may be compelled to attend and testify on any trial, hearing or proceeding or investigation in the same manner as any other person. The testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person testifying. Any such person testifying shall not thereafter be liable to indictment, prosecution or punishment for the offense with reference to which his testimony was given, and may plead or prove the giving of testimony accordingly, in bar of such an indictment or prosecution.

[Penal Code § 41r, added by L. 1892, Ch. 693, § 1, and amended by L. 1893, Ch. 692, § 1; renumbered § 41q and amended by L. 1901, Ch. 371, § 9.]

§ 771. Bribery or intimidation of elector in military service of United States. Any person who, directly or indirectly, by bribery, menace or other corrupt means, controls or attempts to control an elector of this state enlisted in the military service of the United States, in the exercise of his rights under the election law, or annoys, injures or punishes him for the manner in which he exercises such right, is guilty of a misdemeanor for which he may be tried at any future time when he may be found within this state; and upon conviction thereof shall thereafter be ineligible to any office therein.

[Penal Code § 41s, added by L. 1892, Ch. 693, § 1; renumbered § 41r by L. 1901, Ch. 371, § 10.]

§ 772. Duress and intimidation of voters. Any person or corporation who directly or indirectly:

1. Uses or threatens to use any force, violence or restraint, or inflicts or threatens to inflict any injury, damage, harm or loss, or in any other manner practices intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting at any election or to vote or refrain from voting for or against any particular person [or persons] or for or against any proposition submitted to voters at such election, or to place or cause to be placed or refrain from placing or causing to be placed his name upon a registry of voters, or on account of such person having voted or refrained

from voting at such election, or having voted or refrained from voting for or against any particular person or persons, or for or against any proposition submitted to voters at such election, or having registered or refrained from registering as a voter; or,

2. By abduction, duress or any forcible or fraudulent device or contrivance whatever impedes, prevents or otherwise interferes with the free exercise of the elective franchise by any voter, or compels, induces or prevails upon any voter to give or refrain from giving his vote for or against any particular person at any election; or,

3. Being an employer pays his employees the salary or wages due in "pay envelopes," upon which there is written or printed any political motto, device or argument containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employees, or within ninety days of a general election puts or otherwise exhibits in the establishment or place where his employees are engaged in labor, any handbill or placard containing any threat, notice or information, that if any particular ticket or candidate is elected or defeated, work in his place or establishment will cease, in whole or in part, his establishment be closed up, or the wages of his employees reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his employees,

Is guilty of a misdemeanor, and if a corporation shall in addition forfeit its charter.

[Penal Code § 41t, added by L. 1892, Ch. 693, § 1, and amended by L. 1894, Ch. 714, § 6; renumbered § 41s by L. 1901, Ch. 371, § 10.]

§ 773. Conspiracy to promote or prevent election.

Any two or more persons who conspire to promote or prevent the election of any person [or persons] to a public office by the use of any means which are prohibited by law, shall be punishable by imprisonment for not more than one year; provided any act besides such agreement be done to effect the object thereof by one or more of the parties to such conspiracy.

[Penal Code § 41u, added by L. 1894, Ch. 714, § 7; renumbered § 41t by L. 1901, Ch. 371, § 10; amended by L. 1905, Ch. 625, § 13.]

§ 774. Political assessments. Any person who:

1. Being an officer or employee of the state, or of a political subdivision thereof, directly or indirectly uses his authority or official influence to compel or induce any other officer or employee

of the state or a political subdivision thereof, to pay or promise to pay any political assessments; or,

2. Being an officer or employee of the state, or of a political subdivision thereof, directly or indirectly, gives, pays or hands over to any other such officer or employee any money or other valuable thing on account of or to be applied to the promotion of his election, appointment or retention in office, or makes any promise, or gives any subscription to such officer or employee to pay or contribute any money or other valuable thing for any such purpose or object; or,

3. Being such an officer or employee and having charge or control of any building, office or room occupied for any purpose of the state or of a political subdivision thereof, consents that any person enter the same for the purpose of making, collecting, receiving or giving notice of any political assessment; or,

4. Enters or remains in any such office, building or room, or sends or directs any letter or other writing thereto, for the purpose of giving notice of demanding or collecting, or being therein, gives notice of, demands, collects or receives, any political assessment; or,

5. Prepares or makes out, or takes any part in preparing or making out, any political assessment, subscription or contribution, with the intent that the same shall be sent or presented to or collected of any such officer or employee; or,

6. Sends or presents any political assessment, subscription, or contribution to, or requests its payment of, any such officer or employee,

Is guilty of a misdemeanor.

[Penal Code § 41u, added by L. 1892, Ch. 693, § 1; renumbered 41v by L. 1894, Ch. 714, § 8; renumbered 41u by L. 1901, Ch. 371, § 10.]

§ 775. Corrupt use of position or authority. Any person who:

1. While holding a public office, or being nominated or seeking a nomination or appointment therefor, corruptly uses or promises to use, directly or indirectly, any official authority or influence possessed or anticipated, in the way of conferring upon any person, or in order to secure, or aid any person in securing, any office or public employment, or any nomination, confirmation, promotion or increase of salary, upon consideration that the vote or political influence or action of the person so to be benefited or of any other person, shall be given or used in behalf of any candidate, officer or party or upon any other corrupt condition or consideration; or,

2. Being a public officer or employee of the state or a political subdivision having, or claiming to have, any authority or influence affecting the nomination, public employment, confirmation, promotion, removal, or increase or decrease of salary of any public officer or employee, or promises or threatens to use, any such authority or influence, directly or indirectly to affect the vote or political action of any such public officer or employee, or on account of the vote or political action of such officer or employee; or,

3. Makes, tenders or offers to procure, or cause any nomination or appointment for any public office or place, or accepts or requests any such nomination or appointment, upon the payment or contribution of any valuable consideration, or upon an understanding or promise thereof; or,

4. Makes any gift, promise or contribution to any person, upon the condition or consideration of receiving an appointment or election to a public office or a position of public employment, or for receiving or retaining any such office or position, or promotion, privilege, increase of salary or compensation therein, or exemption from removal or discharge therefrom,

Is punishable by imprisonment for not more than two years or by a fine of not more than three thousand dollars or both.

[Penal Code § 41v, added by L. 1892, Ch. 693, § 1; renumbered 41w by L. 1894, Ch. 714, § 8; renumbered 41v by L. 1901, Ch. 371, § 10.]

§ 776. Failure to file candidate's statement of expenses. Every candidate who is voted for at any public election held within this state shall, within ten days after such election, file as hereinafter provided an itemized statement showing in detail all the moneys contributed or expended by him, directly or indirectly, by himself or through any other person, in aid of his election. Such statement shall give the names of the various persons who received such moneys, the specific nature of each item, and the purpose for which it was expended or contributed. There shall be attached to such statement an affidavit subscribed and sworn to by such candidate, setting forth in substance that the statement thus made is in all respects true, and that the same is a full and detailed statement of all moneys so contributed or expended by him, directly or indirectly, by himself or through any other person, in aid of his election. Candidates for offices to be filled by the electors of the entire state, or any division or district thereof greater than a county, shall file their statements in the office of the secretary of state. The candidates for town, village and city offices, excepting in the city of New York, shall

file their statements in the office of the town, village or city clerk, respectively, and in cities wherein there is no city clerk, with the clerk of the common council of the city wherein the election occurs. Candidates for all other offices, including all officers in the city and county of New York, shall file their statements in the office of the clerk of the county wherein the election occurs.

Any candidate for office who refuses or neglects to file a statement as prescribed in this section shall be guilty of a misdemeanor, and shall also forfeit his office.

[Penal Code § 41w, added by L. 1892, Ch. 693, § 1; renumbered 41x by L. 1894, Ch. 714, § 8; renumbered 41w by L. 1901, Ch. 371, § 10.]

§ 777. Procuring fraudulent certificates in order to vote. Any person who knowingly and wilfully procures from any court, judge, clerk or other officer, a certificate of naturalization, which has been allowed, issued, signed or sealed in violation of the laws of the United States or of this state, with intent to enable himself or any other person to vote at any election when he or such person is not entitled by the laws of the United States to become a citizen or to exercise the elective franchise, is guilty of a felony.

[Penal Code § 41x, added by L. 1893, Ch. 692, § 2.]

§ 778. Presenting fraudulent certificates to registry boards to procure registration. A person who knowingly and wilfully presents to any board of officers, for the purpose of having himself or any other person placed upon any list or registry of voters, or to any board of officers for the purpose of enabling himself or any other person to vote at any election, any certificate of naturalization which has been allowed or issued by or procured from any judicial officer, clerk of a court, or other ministerial officer of a court, by any false statement, oath or representation, or in violation of the laws of the United States or of this state, with intent to enable any person to vote at any election, when such person is not entitled by the laws of the United States to become a citizen, or of this state, to exercise the elective franchise, is guilty of a felony.

[Penal Code § 41y, added by L. 1893, Ch. 692, § 2.]

§ 779. Soliciting from candidates. Any person who solicits from a candidate for an elective office money or other property, or who seeks to induce such candidate who has been placed in nomination to purchase any ticket, card or evidence of admission to any ball, picnic, fair or entertainment of any

kind, is guilty of a misdemeanor; but this section shall not apply to a request for a contribution of money by an authorized representative of the political party, organization or association to which such candidate belongs.

[Penal Code § 41z (a); added by L. 1895, Ch. 155, § 1; and amended by L. 1906, Ch. 503, § 2. For remainder of section, see § 780.]

[See note 46] **§ 780. Judicial candidates not to contribute.** No candidate for a judicial office shall, directly or indirectly, make any contribution of money or other thing of value, nor shall any contribution be solicited of him; but a candidate for a judicial office may make such legal expenditures other than contributions, as are authorized by section [forty-one-n] seven hundred and sixty-seven of this [act] article.

[Penal Code § 41z (b), added by L. 1895, Ch. 155, § 1, and amended by L. 1906, Ch. 503, § 2. For remainder of section, see § 779.]

[See note 47] **§ 781. Limitation of amounts to be expended by candidates.** The total amount expended by a candidate for a public office, voted for at an election, by the qualified electors of the state or any political subdivision thereof, for any of the purposes specified in section [forty-one-n] seven hundred and sixty-seven of this [act] chapter, for contributions to political committees, as that term is defined in section [two hundred] five hundred and forty of the election law, or for any purpose tending in any way, directly or indirectly, to promote, or aid in securing, his nomination and election shall not exceed the amount specified herein. By a candidate for governor, the sum of ten thousand dollars; by a candidate for any other elective state office, other than a judicial office, the sum of six thousand dollars; by a candidate for the office of representative in congress or presidential elector, the sum of four thousand dollars; by a candidate for the office of state senator, the sum of two thousand dollars; by a candidate for the office of member of assembly, the sum of one thousand dollars; by a candidate for any other public office to be voted for by the qualified electors of a county, city, town or village, or any part thereof, if the total number of votes cast therein for all candidates for the office of governor at the last preceding state election, shall be five thousand or less, the sum of five hundred dollars; if the total number of votes cast therein at such last preceding state election be in excess of five

thousand, the sum of three dollars for each one hundred votes in excess of such number may be added to the amounts above specified. Any candidate for a public office who shall expend for the purposes above mentioned an amount in excess of the sum herein specified shall be guilty of a misdemeanor.

[Penal Code § 41z (c), added by L. 1907, Ch. 584, § 1.]

§ 782. Penalty. Any person convicted of a misdemeanor [See note 48] under this [title] article shall for a first offense be punished by imprisonment for not more than one year, or by a fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment. Any person convicted of a misdemeanor under this [title] article for a second or subsequent offense shall be guilty of a felony.

[Penal Code § 41zz, added by L. 1901, Ch. 371, § 11, and amended by L. 1905, Ch. 625, § 14; L. 1906, Ch. 503, § 3.]

[REFERENCES FOR OTHER SUBJECTS:

Elective Franchise:

Convicts voting, *see* Convicts, § 644.

Destroying or delaying election returns, *see* Malicious Mischief, § 1429.

Electricity; interfering with wires, *see* Malicious Mischief, § 1431.

Embalming, *see* Public Health, § 1763.

Embracery, *see* Bribery and Corruption, § 385.

Employment bureaus; no fees for free public, *see* Labor, § 1274.

Endurance contests, *see* Exhibitions, § 832.

Escapes, *see* Prisoners.

Eucaïne selling, *see* Public Health, § 1746.]

ARTICLE 76

Evidence

Section 810. Using forged or fraudulently altered evidence.

811. *Forging evidence.*

812. *Destroying evidence.*

813. *Inducing another to commit perjury.*

814. *Suppressing evidence.*

815. *Presumption of responsibility in general.*

816. *Presumption as to child under seven years.*

817. *Presumption of responsibility in general as to child of seven years or more.*

§ 810. Using forged or fraudulently altered evidence. A person who, upon any trial, hearing, inquiry, investi-

gation or other proceeding authorized by law, offers or procures to be offered in evidence, or to be used on a motion, as genuine, a book, paper, document, record or other instrument in writing, knowing the same to have been forged or fraudulently altered, is guilty of a felony.

[Penal Code § 107, amended by L. 1890, Ch. 378, § 1.]

§ 811. Forging evidence. A person who fraudulently makes or prepares any false record, instrument in writing, or other matter or thing, with intent to produce it, or allow it to be produced in evidence, or on a motion, as genuine, upon any trial, hearing, investigation, inquiry, or other proceeding, authorized by law, is guilty of a felony.

[Penal Code § 109, as amended by L. 1890, Ch. 378, § 2.]

§ 812. Destroying evidence. A person who, knowing that a book, paper, record, instrument in writing, or other matter or thing, is or may be required in evidence, or on a motion, upon any trial, hearing, inquiry, investigation, or other proceeding, authorized by law, wilfully destroys the same, with intent thereby to prevent the same from being produced, is guilty of a misdemeanor.

[Penal Code § 110, as amended by L. 1890, Ch. 378, § 3.]

§ 813. Inducing another to commit perjury. A person who without giving, offering or promising a bribe, incites or attempts to procure another to commit perjury, or to give false testimony as a witness, though no perjury is committed or false testimony given, or to withhold true testimony, is guilty of a misdemeanor.

[Penal Code § 112.]

§ 814. Suppressing evidence. A person who maliciously practices any deceit or fraud, or uses any threat, menace or violence, with intent to prevent any party to an action or proceeding from obtaining or producing therein any book, paper, or other thing which might be evidence, or from procuring the attendance or testimony of any witness therein, or with intent to prevent any person having in his possession any book, paper, or other thing which might be evidence in such suit or proceeding, or to prevent any person being cognizant of any fact material thereto from producing or disclosing the same, is guilty of a misdemeanor.

[Penal Code § 128.]

§ 815. Presumption of responsibility in general. A person is presumed to be responsible for his acts. The burden

of proving that he is irresponsible is upon the accused person, except as otherwise prescribed in this [code] chapter.

[Penal Code § 17.]

§ 816. Presumption as to child under seven years.

A child under the age of seven years is not capable of committing crime.

[Penal Code § 18.]

§ 817. Presumption of responsibility in general as to child of seven years or more. A child of the age of seven years, and under the age of twelve years, is presumed to be incapable of crime, but the presumption may be removed by proof that he had sufficient capacity to understand the act or neglect charged against him and to know its wrongfulness.

Whenever in any legal proceedings it becomes necessary to determine the age of a child, the child may be produced for personal inspection, to enable the magistrate, court or jury, to determine the age thereby; and the court or magistrate may direct an examination by one or more physicians, whose opinion shall also be competent evidence upon the question of age. A copy of the record of baptism of any child in any parish register, or register kept in a church, or by a clergyman thereof, or a certificate of baptism duly authenticated by the person in charge of such register, or who administered said baptism, and also a transcript of the record of birth recorded in any bureau of vital statistics or board of health, duly authenticated by its secretary or under its seal, and the entries made in a family Bible, shall also be competent evidence upon the question of the age.

[Penal Code § 19, as amended by L. 1884, Ch. 46, § 1; L. 1888, Ch. 145, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Evidence: Affixing advertisements to real property, *see* Advertisements, § 121.

Proof required to convict of barratry, *see* Barratry, § 322.]

ARTICLE 78

Exhibitions

Section 830. Acrobatic exhibitions.

831. *Knife throwing; shooting; life saving apparatus at bathing places.*

832. *Contests of skill, speed or endurance; time of riding limited.*

§ 830. Acrobatic exhibitions. The proprietor, occupant or lessee of any place where acrobatic exhibitions are held, who permits any person to perform on any trapeze, rope, pole or other acrobatic contrivance, without net-work or other sufficient means of protection from falling or other accident, and any person who makes or attempts to make an ascension by means of a balloon, with a trapeze or parachute attachment, or any other device for the purpose of making a descent from such balloon, is guilty of a misdemeanor punishable for the first offense by a fine of two hundred and fifty dollars, and for each subsequent offense by a fine of two hundred and fifty dollars and imprisonment not less than three months nor more than one year.

[Penal Code § 384, as amended by L. 1892, Ch. 268, § 1.]

§ 831. Knife throwing; shooting; life saving apparatus at bathing places. A person who:

1. Being lessee or occupant of any place of amusement, or any plot of ground or building, uses it or allows it to be used for the exhibition of skill, in throwing any sharp instrument at or toward any human being; or,

2. Aims or discharges any bow-gun, pistol or fire-arm of any description whatever, or allows one to be aimed or discharged at or towards any human being; or,

3. [who] Being owner, lessee, proprietor or manager of any surf-bathing place, neglects at any time during the bathing season to maintain surf or life-boats, or other life saving apparatus, duly equipped and manned in the manner and to the extent prescribed by law,

Is guilty of a misdemeanor.

[Penal Code § 427.]

§ 832. Contests of skill, speed or endurance; time of riding limited. In a bicycle race, or other contest of skill, speed or endurance, wherein one or more persons shall be a contestant or contestants, it shall be unlawful for any contestant to continue in such race or contest for a longer time than twelve hours during any twenty-four hours. The proprietor, occupant or lessee of the place where such race or contest takes place, consenting to, allowing or permitting any violation of the foregoing provisions of this section is guilty of a misdemeanor. The manager or superintendent of such race or contest consenting to, permitting or allowing any violation of the provisions of the first sentence of this section is guilty of a misdemeanor.

[Penal Code § 383a, added by L. 1899, Ch. 316, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Exhibitions: Children prohibited taking part in, *see* Children, § 485.

Fraudulent tickets, *see* Frauds and Cheats, § 945.

Sunday, *see* Sabbath, § 2152.

Explosives: Death resulting from explosives kept contrary to law, *see* Homicide, § 1052.

Endangering life, *see* Public Safety, § 1895.

Unlawful keeping, *see* Public Safety, § 1894.]

ARTICLE 80**Extortion and Threats**

Section 850. Extortion defined.

851. *What threats may constitute extortion.*

852. *Punishment of extortion.*

853. *Compulsion to execute instrument.*

854. *Extortion committed under color of official right.*

855. *Public officer taking illegal fees commits extortion.*

856. *Blackmail.*

857. *Attempts to extort money or property by verbal threats.*

858. *Threat referring to act of third person.*

859. *Rule as to person acting under threats.*

860. *Intimidating public officer or a person authorized to determine a controversy.*

§ 850. Extortion defined. Extortion is the obtaining of property from another, with his consent, induced by a wrongful use of force or fear, or under color of official right.

[Penal Code § 552.]

§ 851. What threats may constitute extortion. Fear, such as will constitute extortion, may be induced by a threat:

1. To do an unlawful injury to the person or property of the individual threatened, or to any relative of his or to any member of his family; or,

2. To accuse him, or any relative of his or any member of his family, of any crime; or,

3. To expose, or impute to him, or any of them, any deformity or disgrace; or,

4. To expose any secret affecting him or any of them.

[Penal Code § 553.]

§ 852. Punishment of extortion. A person who extorts any money or other property from another, under circumstances not amounting to robbery, by means of force or a threat mentioned in the last two sections, is punishable by imprisonment not exceeding five years.

[Penal Code § 554.]

§ 853. Compulsion to execute instrument. The compelling or inducing of another, by such force or threat, to make, subscribe, seal, execute, alter or destroy any valuable security, or instrument or writing affecting or intended to affect any cause of action or defense or any property is an extortion of property within the last two sections.

[Penal Code § 555, as amended by L. 1882, Ch. 384, § 1.]

§ 854. Extortion committed under color of official right. A public officer, or a person pretending to be such, who, unlawfully and maliciously, under pretense or color of official authority:

1. Arrests another, or detains him against his will; or,
2. Seizes or levies upon another's property; or,
3. Dispossesses another of any lands or tenements; or,
4. Does any other act, whereby another person is injured in his person, property, or rights,

Commits oppression and is guilty of a misdemeanor.

[Penal Code § 556.]

§ 855. Public officer taking illegal fees commits extortion. A public officer who asks, or receives, or agrees to receive, a fee or other compensation for his official service[, either]:

1. In excess of the fee or compensation allowed to him by statute therefor; or,

2. Where no fee or compensation is allowed to him by statute therefor,

Commits extortion and is guilty of a misdemeanor.

[Penal Code § 557.]

§ 856. Blackmail. A person who, knowing the contents thereof, and with intent, by means thereof, to extort or gain

any money or other property, or to do, abet, or procure any illegal or wrongful act, sends, delivers, or in any manner causes to be forwarded or received, or makes and parts with for the purpose that there may be sent or delivered, any letter or writing, threatening:

1. To accuse any person of a crime; or,
 2. To do any injury to any person or to any property; or,
 3. To publish or connive at publishing any libel; or,
 4. To expose or impute to any person any deformity or disgrace,
- Is punishable by imprisonment for not more than five years.

[Penal Code § 558.]

§ 857. Attempts to extort money or property by verbal threats. [See note 49] A person who, under circumstances not amounting to robbery, or an attempt at robbery, with intent to extort or gain any money or other property, verbally makes such a threat as would be criminal under [either] any of the foregoing sections of this [chapter] article or of section five hundred and fifty-one, if made or communicated in writing, is guilty of a misdemeanor.

[Penal Code § 560.]

§ 858. Threat referring to act of third person. It [See note 50] is immaterial whether a threat, made as specified in the foregoing sections of this [chapter] article, and in section five hundred and fifty-one, is of things to be done or omitted by the offender, or by any other person.

[Penal Code § 561.]

§ 859. Rule as to persons acting under threats. Where a crime is committed or participated in by two or more persons, and is committed, aided, or participated in by any one of them, only because, during the time of its commission, he is compelled to do, or to aid or participate in the act, by threats of another person engaged in the act or omission, and reasonable apprehension on his part of instant death or grievous bodily harm, in case he refuses, the threats and apprehension constitute duress, and excuse him.

[Penal Code § 25.]

§ 860. Intimidating public officer or a person authorized to determine a controversy. A person who directly or indirectly addresses any threat or intimidation to a

public officer, or to a juror, referee, arbitrator, appraiser, or assessor, or to any other person, authorized by law to hear or determine any controversy or matter, with intent to induce him, contrary to his duty, to do or make, or to omit or delay, any act, decision or determination, is guilty of a misdemeanor.

[Penal Code § 127.]

[REFERENCES FOR OTHER SUBJECTS:

False certificate by public officer, *see* Public Offices and Officers, § 1861.

False personating, *see* Frauds and Cheats, §§ 928, 930, 931.

False pretences: *See* Frauds and Cheats.

Verbal, not criminal, *see* Stealing, § 947.

False statements, *see* Taxes, § 2321.

False weights and measures, *see* Weights and Measures.

Fees: Public officer taking fees for services not rendered, *see* Public Offices and Officers, § 1830.

Taking unlawful fees, *see* Public Offices and Officers, § 1826.

Felony: Definition, *see* Definitions, § 2.

Punishment when not fixed by statute, *see* Punishment, § 1935.]

ARTICLE 82

Ferries

Section 870. Ferries.

871. Penalty for neglect to post schedule of ferry rates.

§ 870. Ferries. A person who:

1. Maintains a ferry for profit or hire upon any of the waters of this state without authority of law; or,

2. Having entered into a recognizance to keep or maintain a ferry, violates the condition of such recognizance,
Is guilty of a misdemeanor.

Where such ferry is upon waters dividing two counties, the offender may be prosecuted in either county.

[Penal Code § 415, as amended by L. 1892, Ch. 692, § 1.]

§ 871. Penalty for neglect to post schedule of ferry rates. A person, corporation or association operating any ferry in this state, or between this state and any other state, operating from or to a city of five hundred thousand inhabitants or over,

posting a false schedule of ferry rates, or neglecting to post in a conspicuous and accessible place in each of its ferry-houses, in plain view of the passengers, a schedule, plainly printed in the English language, of the rates of ferriage charged thereon and authorized by law to be charged for ferriage over such ferry, is guilty of a misdemeanor.

[Penal Code § 415a, added by L. 1893, Ch. 692, § 2.]

[REFERENCES FOR OTHER SUBJECTS:

Fictitious business names, *see* Frauds and Cheats.

Fine; when statute does not specify amount, *see* General Provisions, § 36.

Fires: False alarms, *see* Malicious Mischief, § 1424.

Hydrants; injuring, *see* Malicious Mischief, § 1423.

Negligently managing and refusing to extinguish, *see* Public Safety, § 1900.

Obstructing attempts to extinguish, *see* Public Safety, § 1901.

Fire-arms, *see* Public Safety, § 1906.

Fire-escapes; hotels, *see* Public Safety, § 1905.

Fires and lights; near storage of oil, *see* Public Safety, § 1903.

Fish; taking from private ponds, *see* Malicious Mischief, § 1425.

Flag of United States; signs on and defacing, *see* Malicious Mischief, § 1425.

Food: Adulterations, *see* Public Health, §§ 1748, 1749.

Imitations, *see* Public Health, § 1753.

Poisoning, *see* Public Health, § 1760.

Foot-path, *see* Highways.

Force, *see* Coercion.

Forcible entry and detainer, *see* Real Property, § 2034.

Foreign acquittal or conviction, *see* General Provisions, § 33.

Foreign convict; bringing into state, *see* Convicts, § 641, 642.

Foreign ministers; exempt from punishment, *see* General Provisions, § 25.

Forfeitures: *see also* Civil Rights, § 512.

Of commodity exposed for sale on Sunday, *see* Sabbath, § 2149.

Of office, *see* Public Offices and Officers, § 1839.

Of office, justice of the peace and constable for buying demands, *see* Public Offices and Officers, § 1854.

Of office, member of legislature, *see* Legislature, § 1301.

[REFERENCES FOR OTHER SUBJECTS — Continued:

Of office for violation of prison law, judiciary law and civil rights law, *see* Public Offices and Officers, § 1876.

Of property offered for disposal in lotteries, *see* Lotteries, § 1380.]

ARTICLE 84**Forgery***Section 880. Definitions.*

- 881. *Uttering forged instruments is forgery.*
- 882. *Falsely indicating person as corporate officer.*
- 883. *Uttering writing signed with wrong-doer's name.*
- 884. *Forgery in first degree.*
- 885. *False certificate to certain instruments is forgery.*
- 886. *Punishment for forgery in first degree.*
- 887. *Forgery in second degree.*
- 888. *Punishment for forgery in second degree.*
- 889. *Forgery in third degree.*
- 890. *Officer of corporation selling fraudulent shares.*
- 891. *Forging passage tickets.*
- 892. *Forging United States or state stamps.*
- 893. *Punishment for forgery in third degree.*
- 894. *Having possession of counterfeit coin.*
- 895. *Advertising counterfeit money and stamps.*

§ 880. Definitions.

[See note 51] *Terms forge, forged and forging.*—The expressions “forge,” “forged” and forging,” as used in this [chapter] article, include false making, counterfeiting and the alteration, erasure, or obliteration of a genuine instrument, in whole or in part, the false making or counterfeiting of the signature, of a party witness, and the placing or connecting together with intent to defraud different parts of several genuine instruments.

Definition of written instrument.—An instrument partly written and partly printed, or wholly printed with a written signature thereto, and any signature or writing purporting to be a signature of, or intended to bind an individual, a partnership, a corporation or association or an officer thereof, is a written instrument or a writing, within the provisions of this [chapter] article.

[Penal Code §§ 520, 513.]

§ 881. Uttering forged instruments is forgery. A person who, knowing the same to be forged or altered, and with intent to defraud, utters, offers, disposes of or puts off as true, or has in his possession, with intent so to utter, offer, dispose of, or put off: [either]

1. A forged seal or plate, or any impression of either; or,
2. A forged coin; or,
3. A forged will, deed, certificate, indorsement, record, instrument or writing, or other thing, the false making, forging, or altering of which is punishable as forgery,

Is guilty of forgery in the same degree as if he had forged the same.

[Penal Code § 521.]

§ 882. Falsely indicating person as corporate officer. The false making or forging of an instrument or writing, purporting to have been issued by or in behalf of a corporation or association, state or government, and bearing the pretended signature of any person, therein falsely indicated as an agent or officer of such corporation, is forgery in the same degree, as if that person were in truth such officer or agent of the corporation or association, state or government.

[Penal Code § 519.]

§ 883. Uttering writing signed with wrong-doer's name. Whenever the false making or uttering of any instrument or writing is forgery in any degree, a person is guilty of forgery in the same degree, who, with intent to defraud, offers, disposes of, or puts off such an instrument or writing subscribed or indorsed in his own name, or that of any other person, whether such signature be genuine or fictitious, under the pretense that such subscription or indorsement is the act of another person of the same name, or of a person not in existence.

[Penal Code § 522.]

§ 884. Forgery in first degree. A person is guilty of forgery in the first degree who with intent to defraud, forges:

1. A will or codicil of real or personal property, or the attestation thereof, or a deed or other instrument, being or purporting to be the act of another, by which any right or interest in property is or purports to be transferred, conveyed, or in any way charged or affected; or,
2. A certificate of the acknowledgment or proof of a will, codicil, deed, or other instrument, which by law may be recorded or

given in evidence when duly proved or acknowledged, made or purporting to have been made by a court or officer duly authorized to make such a certificate; or,

3. A certificate, bond, paper writing, or other public security, issued or purporting to have been issued by or under the authority of this state, or of the United States, or of any other state or territory of the United States, or of any foreign government, country or state, or by any officer thereof in his official capacity, by which the payment of money is promised absolutely or upon any contingency, or the receipt of any money or property is acknowledged, or being or purporting to be evidence of any debt or liability, either absolute or contingent, issued or purporting to have been issued by lawful authority; or,

4. An indorsement or other instrument, transferring or purporting to transfer the right or interest of any holder of such a certificate, obligation, public security, evidence of debt or liability, or of any person entitled to such right or interest; or,

5. A certificate of stock, bond or other writing, bank note, bill of exchange, draft, check, certificate of deposit, or other obligation or evidence of debt, issued or purporting to be issued by any bank, banking association or body corporate existing under the laws of this state, or of the United States, or of any other state, government, or country, declaring or purporting to declare any right, title or interest of any person in any portion of the capital stock, or property of such a body corporate, or promising or purporting to promise or agree to the payment of money, or the performance of any act, duty, or obligation; or,

6. An indorsement or other writing, transferring or purporting to transfer the right or interest of any holder of such a certificate, bond, or writing obligatory, or of any person entitled to such right or interest.

[Penal Code § 509.]

§ 885. False certificate to certain instruments is forgery. An officer authorized to take the proof or acknowledgment of an instrument which by law may be recorded, who wilfully certifies falsely that the execution of such an instrument was acknowledged by any party thereto, or that the execution of any such instrument was proved, is guilty of forgery in the first degree.

[Penal Code § 510.]

§ 886. Punishment for forgery in first degree. Forgery in the first degree is punishable by imprisonment for a term not exceeding twenty years.

[Penal Code § 523, as amended by L. 1892, Ch. 662, § 14.]

§ 887. Forgery in second degree. A person is guilty of [See note 52] forgery in the second degree who, with intent to defraud:

1. Forges the great or privy seal of this state, the seal of any court of record, or of any public office or officer authorized by law, or of any body corporate created by or existing under the laws of this state, or of the United States, or of any other state or any territory of the United States, or of any other state, government, or country, or any impression of such a seal; or any gold or silver coin, whether of the United States, or of any foreign state, government or country; or,

2. Forges a record of a will, conveyance, or instrument of any kind, the record of which is by the law of this state made evidence, or of any judgment, order, or decree of any court or officer, or a certified or authenticated copy thereof; or,

A judgment roll, judgment, order, or decree of any court or officer, or an enrollment thereof, or a certified or authenticated copy thereof, or any document or writing purporting to be such judgment, order, decree, enrollment, or copy; or,

An entry made in any book of record or accounts, kept by or in the office of any officer of this state, or of any village, city, town, or county of the state, by which any demand, claim, obligation, or interest, in favor of or against the people of the state, or any city, village, town or county, or any officer thereof, is or purports to be created, increased, diminished, discharged, or in any manner affected; or an entry made in any book of records or accounts kept by a corporation doing business within the state, or in any account kept by such a corporation, whereby any pecuniary obligation, claim, or credit is or purports to be created, increased, diminished, discharged, or in any manner affected; or,

An instrument, document, or writing, being or purporting to be, a process or mandate issued by a competent court, magistrate, or officer of the state, or the return of an officer, court or tribunal, to such a process or mandate; or a bond, recognizance, undertaking, pleading, or proceeding, filed or entered in any court of the state, or a certificate, order or allowance by a competent court, or officer, or a license or authority granted pursuant to any statute of the state or a certificate, document, instrument, or writing, made evidence by any law or statute; or,

An instrument or writing, being or purporting to be the act of another, by which a pecuniary demand or obligation is or purports to be or to have been created, increased, discharged, or diminished, or in any manner affected, or by which any rights or property whatever are or purport to be or to have been created, transferred, conveyed, discharged, increased, or diminished, or in any manner affected, the punishment for forging, altering, or

counterfeiting which is not hereinbefore prescribed, by which false making, forging, altering, or counterfeiting, any person may be bound, affected or in any way injured in his person or property; or,

3. Makes or engraves a plate in the form or similitude of a promissory note, bill of exchange, bank note, draft, check, certificate of deposit, or other evidence of debt, issued by a banker, or by any banking corporation or association, incorporated or carrying on business under the laws of the state, or of the United States, or of any other state or territory of the United States, or of any foreign government, or country, without the authority of such banker, or banking corporation or association; or,

Without like authority, has in his possession or custody such a plate, with intent to use, or permit the same to be used, for the purpose of taking therefrom any impression to be uttered; or,

Without like authority, has in his possession or custody any impression taken from such a plate, with intent to have the same filled up and completed for the purpose of being uttered; or,

Makes or engraves, or causes to be made or engraved, upon any plate, any figures or words, with intent that the same may be used for the purpose of falsely altering any evidence of debt hereinbefore mentioned.

A plate, specified in [the last] this section, is in the form and similitude of the genuine instrument imitated, if the finished parts of the engraving thereupon resemble and conform to similar parts of the genuine instruments.

[Penal Code §§ 511, 512.]

§ 888. Punishment for forgery in second degree.

Forgery in the second degree is punishable by imprisonment for a term not exceeding ten years.

[Penal Code § 524, as amended by L. 1892, Ch. 662, § 15.]

§ 889. [Other cases of] Forgery in third degree. A person who: [either,]

1. Being an officer or in the employment of a corporation, association, partnership or individuals falsifies, or unlawfully and corruptly alters, erases, obliterates or destroys any accounts, books of accounts, records, or other writing, belonging to or appertaining to the business of the corporation, association or partnership or individuals; or,

2. [Who,] With intent to injure or defraud, shall falsely make, alter, forge or counterfeit, or shall cause, aid, abet, assist or otherwise connive at, or be a party to the making, altering, forging or counterfeiting of any letter, telegram, or other written communica-

tion, paper, or instrument by which making, altering, forging or counterfeiting, any other person shall be in any manner injured in his good name, standing, position or general reputation; or,

3. [Who] Shall alter, or [who] shall cause, aid, abet, or otherwise connive at, or be a party to the uttering of any letter, telegram, report or other written communication, paper or instrument purporting to have been written or signed by another person, or any paper purporting to be a copy of any such paper or writing where no original existed, which said letter, telegram, report or other written communication, paper or instrument, or paper purporting to be a copy thereof, as aforesaid, the person uttering the same shall know to be false, forged or counterfeited, and by the uttering of which the sentiments, opinions, conduct, character, prospects, interests or rights of such other person shall be misrepresented or otherwise injuriously affected; or,

4. With intent to defraud, shall forge, counterfeit or falsely alter and wrongfully utter any ticket, contract or other paper, or writing entitling, or purporting to entitle, the person whose name appears therein, or the holder or bearer thereof, to entrance upon the grounds or premises of any membership corporation, or being thereupon, to remain upon such grounds or premises; or, with like intent, shall use any such ticket, contract or other paper or writing, to effect an entrance or as evidence of his right to remain upon such grounds or premises; or, with like intent, shall sell, exchange or deliver, or keep or offer for sale, exchange or delivery, or receive upon any purchase, exchange or delivery, any such ticket, contract or other paper or writing, knowing the same to have been forged, counterfeited or falsely altered,

Is guilty of forgery in the third degree.

A person who, with intent to defraud or to conceal any larceny or misappropriation by any person of any money or property: [either]

1. Alters, erases, obliterates, or destroys an account, book of accounts, record, or writing, belonging to, or appertaining to the business of, a corporation, association, public office or officer, partnership, or individual; or,

2. Makes a false entry in any such account or book of accounts; or,

3. Wilfully omits to make true entry of any material particular in any such account or book of accounts, made, written, or kept by him or under his direction,

Is guilty of forgery in the third degree.

[Penal Code § 514, as amended by L. 1884, Ch. 378, § 1; L. 1892, Ch. 692, § 1. Same, § 515.]

[See note 53] **§ 890. Officer of corporation selling fraudulent shares.** An officer, agent or other person employed by any company or corporation existing under the laws of this state, or of any other state or territory of the United States, or of any foreign government, who wilfully and with a design to defraud, sells, pledges or issues, or causes to be sold, pledged or issued, or signs or procures to be signed with intent to sell, pledge or issue, or to be sold, pledged or issued, a false, forged or fraudulent paper, writing or instrument, being or purporting to be a scrip, certificate or other evidence of the ownership or transfer of any share or shares of the capital stock of such company or corporation, or a bond or other evidence of debt of such company or corporation, or a certificate or other evidence of the ownership or of the transfer of any such bond or other evidence of debt, is guilty of forgery in the third degree, and upon conviction, in addition to the punishment prescribed in [this title] section eight hundred and ninety-three of this chapter for that offense, may also be sentenced to pay a fine not exceeding three thousand dollars.

[Penal Code § 518.]

§ 891. Forging passage tickets. A person who, with intent to defraud, forges, counterfeits, or falsely alters any ticket, check or other paper or writing, entitling or purporting to entitle the holder or proprietor thereof to a passage upon any railway or in any vessel or other public conveyance; and a person who, with like intent, sells, exchanges or delivers, or keeps or offers for sale, exchange or delivery, or receives upon any purchase, exchange or delivery, any such ticket, knowing the same to have been forged, counterfeited or falsely altered, is guilty of forgery in the third degree.

[Penal Code § 516.]

§ 892. Forging United States or state stamps. A person who forges, counterfeits or alters any postage or revenue stamp of the United States, or any tax or revenue stamp of the state of New York, or who sells, or offers, or keeps for sale, as genuine or as forged, any such stamp, knowing it to be forged, counterfeited or falsely altered, is guilty of forgery in the third degree.

[Penal Code § 517, as amended by L. 1905, Ch. 242, § 1.]

§ 893. Punishment for forgery in third degree. Forgery in the third degree is punishable by imprisonment for not more than five years.

[Penal Code § 525.]

§ 894. Having possession of counterfeit coin. A person who has in his possession a counterfeit of any gold or silver coin, whether of the United States or of any foreign country or government, knowing the same to be counterfeited, with intent to sell, utter, use, circulate or export the same, as true or as false, or to cause the same to be so uttered or passed, is punishable by imprisonment not more than five years, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

[Penal Code § 526.]

§ 895. Advertising counterfeit money and stamps. A person who prints, writes, utters, publishes, sells, lends, gives away, circulates or distributes any letter, writing, circular, paper, pamphlet, hand bill or any other written or printed matter, advertising, offering or purporting to advertise or offer for sale, loan, exchange, gift or distribution, or to furnish, procure or distribute any counterfeit coin, paper money, internal revenue stamp, postage stamp or any other token of value, or what purports to be counterfeit coin, paper money, internal revenue stamp, postage stamp or any other token of value, or giving, or purporting to give, either directly or indirectly, information where, how, of whom or by what means any counterfeit coin, paper money, internal revenue stamp, postage stamp, or token of value, can be procured or had, or what purports to be counterfeit coin, paper money, internal revenue stamp, postage stamp or other token of value, can be procured or had, or whoever shall aid, assist or abet in any manner, in any scheme or device whatsoever, offering or purporting to offer, for sale, loan, gift, exchange or distribution, any counterfeit coin, paper money, internal revenue stamp, postage stamp or other token of value, whether called "green articles," "queer coin," "paper goods," "bills," "spurious treasury notes," "United States goods," "green paper goods," "business that is not legitimate," "cigars," "green cigars," or by any other name or title, or any other device of a similar character, shall be guilty of a felony and on conviction shall be punished by imprisonment for not less than one year nor more than five years, and by a fine of not less than one hundred dollars nor more than one thousand dollars for each offense.

Whoever in and for executing, operating, promoting, carrying on, or in the aiding, assisting or abetting in the promoting, operating, carrying on, or executing of any scheme or device whatsoever to defraud, by use or means of, any papers, writings, letters, circulars or written or printed matters concerning the offering for sale, loan, gift, distribution, or exchange, of counterfeit coin,

paper money, internal revenue stamps, postage stamps or other tokens of value as provided in this [act] section, shall use any fictitious, false or assumed name or address, or name or address other than his own right, proper and lawful name; or whoever in the executing, operating, promoting, carrying on, aiding, assisting or abetting in the execution, promotion or carrying on of any scheme or device offering for sale, loan, gift, or distribution, or purporting to offer for sale, loan, gift or distribution, or giving or purporting to give information directly or indirectly, where, how, of whom, or by what means any counterfeit coin, paper money, internal revenue stamp, postage stamp, or other token of value, can be obtained or had, or who shall knowingly receive or take from the mails of the United States any letter or package addressed to any such fictitious, false or assumed name or address or name other than his own right, proper or lawful name shall be guilty of a felony, and on conviction shall be punished by imprisonment for not less than one year, nor more than five years, and by a fine of not less than one hundred dollars nor more than two thousand dollars. Any letter, circular, writing, or paper, offering or purporting to offer for sale, loan, gift, or distribution or giving, or purporting to give information directly or indirectly, where, how, of whom, or by what means any counterfeit coin, paper money, internal revenue stamp, postage stamp, or token of value, may be obtained or had, or concerning any similar scheme or device to defraud the public, whether such article, matter or thing is called "green articles," "queer coins," "paper goods," "queer," "articles," "bills," "business that is not legitimate," "spurious treasury notes," "United States goods," "green paper goods," "green articles," "cigars," "green cigars," or by any other name device or title of a similar character, shall be deemed presumptive proof of the fraudulent character of such scheme.

[Penal Code § 527, as amended by L. 1887, Ch. 687, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Forgery: Forged evidence, *see* Evidence, §§ 810, 811.

Offering forged instruments for filing or record, *see* Records and Documents, § 2051.

Former acquittal or conviction, *see also* Dueling, § 736.

Fraternal benefit associations, *see* Insurance.]

ARTICLE 86

Frauds and Cheats

Section 920. Fraud in affairs of limited partnership.

921. Intent to defraud.

- Section* 922. *Production of pretended heir.*
923. *Substituting one child for another.*
924. *Fictitious copartnership names.*
925. *Frauds on hotel-keepers.*
926. *False rumors as to stocks, bonds or public funds.*
927. *Entry into agricultural fair grounds.*
928. *Falsely personating another.*
929. *Limitations as to indictments for fraudulent marriages.*
930. *Receiving property in false character.*
931. *Personating officers, firemen, and other persons.*
932. *Obtaining property by false pretenses.*
933. *False pedigree of animals.*
934. *Fraudulently obtaining property for charitable purposes.*
935. *Obtaining by fraud or without authority signature to applications or property for degrees, secrets or membership in secret fraternities.*
936. *Fraudulent use of the name or title of secret fraternity.*
937. *Obtaining negotiable evidence of death by false pretenses.*
938. *Using false check or order for payment of money.*
939. *Fraudulently obtaining employment.*
940. *Fraudulently secreting personal property.*
941. *Pawning borrowed property.*
942. *Personating beneficiary of entrance ticket.*
943. *Mock auction.*
944. *Publishing false messages.*
945. *Unlawfully selling tickets for balls and entertainments.*
946. *Misrepresentation of circulation of newspapers or periodicals.*
947. *Verbal false pretense not criminal.*

§ 920. Fraud in affairs of limited partnership. A member of a limited partnership, who is guilty of any fraud in the affairs of the partnership, is guilty of a misdemeanor.

[Penal Code § 375.]

§ 921. Intent to defraud. Whenever, by any of the provisions of this [code] chapter, an intent to defraud is required, in order to constitute an offense, it is sufficient if an intent appears to defraud any person, association or body politic or corporate, whatever.

[Penal Code § 721.]

§ 922. Production of pretended heir. A person who fraudulently produces an infant, falsely pretending it to have been born of a parent whose child is or would be entitled to inherit real property, or to receive a share of personal property, with intent to intercept the inheritance of such real property, or the distribution of such personal property, or to defraud any person out of the same, or any interest therein; or who, with intent fraudulently to obtain any property, falsely represents himself or another to be a person entitled to an interest or share in the estate of a deceased person, either as executor, administrator, husband, wife, heir, legatee, devisee, next of kin, or relative of such deceased person; is punishable by imprisonment in a state prison for not more than ten years.

[Penal Code § 151.]

§ 923. Substituting one child for another. A person, to whom a child has been confided for nursing, education, or any other purpose, who, with intent to deceive a parent, guardian or relative of the child, substitutes or produces to such parent, guardian or relative, another child or person, in place of the child so confided, is punishable by imprisonment in a state prison for not more than seven years.

[Penal Code § 152.]

§ 924. Fictitious copartnership names. A person who transacts business, using the name, as partner, of one not interested with him as partner, or using the designation "and company," or "& Co." when no actual partner [or partners are] is represented thereby is guilty of a misdemeanor. But this section does not apply to any case, where it is specially prescribed by statute that a partnership name may be continued in use by a successor, survivor, or other person.

[Penal Code § 363.]

§ 925. Frauds on hotel-keepers. A person who obtains any lodging, food or accommodation at a hotel, inn, boarding-house or lodging-house, except an [emigrant] immigrant lodging-house, without paying therefor, with intent to defraud the proprietor thereof or his agent or servant; or who obtains credit at such hotel, inn, boarding-house or lodging-house, by the use of any false pretense; or who, after obtaining credit or accommodation at such hotel, inn, boarding-house or lodging-house, causes to be removed from such hotel, inn, boarding-house or lodging-house his baggage without the permission or consent of the proprietor,

manager or authorized employee thereof before paying for his lodging, food or accommodation, and with the intention of not paying therefor, is guilty of a misdemeanor.

[Penal Code § 382, as amended by L. 1886, Ch. 645, § 1; L. 1895, Ch. 883, § 1; L. 1907, Ch. 682, § 1.]

§ 926. False rumors as to stocks, bonds or public funds. A person, who, with intent to affect the market price of the public funds of this state or of the United States, or of any state or territory thereof, or of a foreign country or government, or of the stocks, bonds, or other evidences of debt of a corporation or association, or the market price of gold or silver coin or bullion, or any merchandise or commodity whatever:

1. Without lawful authority, falsely signs the name of an officer of a corporation, or of any other person to a letter, message, or other paper; or,

2. Utters or circulates such a letter, message, or paper, knowing that the same has been so falsely signed; or,

3. Knowingly circulates any false statement, rumor, or intelligence,

Is punishable by a fine of not more than five thousand dollars, or by imprisonment for not more than three years, or both.

[Penal Code § 435.]

§ 927. Entry into agricultural fair grounds. A person who wrongfully and fraudulently enters any agricultural fair grounds, without paying the entrance fee, is guilty of a misdemeanor.

[Penal Code § 446.]

§ 928. Falsely personating another. A person who falsely personates another, and, in such assumed character:

1. Marries or pretends to marry, or to sustain the marriage relation towards another, with or without the connivance of the latter; or,

2. Becomes bail or surety for a party in an action or special proceeding, civil or criminal, before a court or officer authorized to take such bail or surety; or,

3. Confesses a judgment; or,

4. Subscribes, verifies, publishes, acknowledges, or proves a written instrument, which by law may be recorded, with intent that the same may be delivered or used as true; or,

5. Does any other act, in the course of any action or proceeding, whereby, if it were done by the person falsely personated, such

person might in any event become liable to an action or special proceeding, civil or criminal, or to pay a sum of money, or to incur a charge, forfeiture, or penalty, or whereby any benefit might accrue to the offender, or to another person,

Is punishable by imprisonment in a state prison for not more than ten years.

[Penal Code § 562.]

§ 929. Limitations as to indictments for fraudulent marriages. An indictment can not be found, for the crime specified in subdivision first of the last section, except upon the complaint of the person injured, if there be any such person living, and within two years after the perpetration of the crime.

[Penal Code § 563.]

§ 930. Receiving property in false character. A person who falsely personates another, or the officer or agent of any legally organized or incorporated society or institution, or falsely represents himself to be such an officer or agent, and in such assumed character receives any money or property, knowing that it is intended to be delivered to the individual, or society, or institution or its officers or agents, so personated, or whose officer or agent he falsely claims to be, with the intent to convert the same to his own use or to that of another person who is not entitled thereto, is punishable in the same manner and to the same extent as for larceny, of the money or property so received.

[Penal Code § 564, as amended by L. 1899, Ch. 327, § 1.]

§ 931. Personating officers, firemen, and other persons. A person who falsely personates a public officer, civil or military, or a policeman, or a private individual having special authority by law to perform an act affecting the rights or interests of another, or who assumes, without authority, any uniform or badge by which such an officer or person is lawfully distinguished, and in such assumed character does an act, purporting to be official, whereby another is injured or defrauded, is guilty of a misdemeanor.

[Penal Code § 565.]

§ 932. Obtaining property by false pretenses. A person who, with intent to cheat or defraud another, designedly, by color or aid of a false token or writing, or other false pretense, obtains the signature of any person to a written instrument, is punishable by imprisonment in a state prison for not more than

three years, or in a county jail for not more than one year, or by a fine of not more than three times the value of the money or property affected or obtained thereby, or by both such fine and imprisonment.

[Penal Code § 566.]

§ 933. False pedigree of animals. Every person who by any false pretense shall obtain from any club, association, society or company for improving the breed of cattle, horses, sheep, swine or other domestic animals the registration of any animal in the herd register or other register of any such club, association, society or company or a transfer of any such registration, and every person who shall knowingly give a false pedigree of any animal, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by imprisonment in a county jail for a term not exceeding one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

[Penal Code § 566a, added by L. 1887, Ch. 153, § 1.]

§ 934. Fraudulently obtaining property for charitable purposes. A person, who wilfully, by color or aid of any false token or writing, or other false pretense, obtains the signature of any person to any written instrument, or any money or property, for any alleged or pretended charitable or benevolent purpose, is punishable by imprisonment for not less than one nor more than three years, or by a fine to an amount not exceeding the value of the money or property obtained, or by both.

[Penal Code § 567.]

§ 935. Obtaining by fraud or without authority signature to applications or property for degrees, secrets or membership in secret fraternities. A person who wilfully by color or aid of any false token or writing, or other false pretense or false statement verbal or written, or without authority of the grand lodge hereinafter mentioned, obtains the signature of any person to any written application, or any money or property for any alleged or pretended degree, or for any alleged or pretended secret work or for any alleged or pretended secrets of, or membership in any secret fraternal association, society, order or organization having a grand lodge in this state, or in any subordinate lodge or body thereof is punishable by imprisonment for not more than three years or by a fine to an amount not exceeding the value of the money or property obtained or by both.

[Penal Code § 567a, added by L. 1905, Ch. 366, § 1.]

§ 936. Fraudulent use of the name or title of secret fraternity. Any person, firm, association, society, order or organization, or any officer, agent, representative or employee thereof, or person acting or pretending to act on behalf thereof who in a newspaper or other publication published in this state, or in any letter, writing, circular, paper, pamphlet or other written or printed notice, manner or device without authority of the grand lodge hereinafter mentioned fraudulently uses, or in any manner directly or indirectly aids in the use of the name or title of any secret fraternal association, society, order or organization which has had a grand lodge in this state for ten years, or any imitation of such name or title or any name or title so nearly resembling it as to be calculated to deceive, or who without such authority publishes, sells, lends, gives away, circulates or distributes any letter, writing, circular, paper, pamphlet or other written or printed notice, matter or device directly or indirectly advertising for or soliciting members or applications for membership in such secret fraternal association, society, order or organization, or in any alleged or pretended association, society, order or organization using or designated or claimed to be known by such title or imitation or resemblance thereof or who therein or thereby offers to sell, or to confer or to communicate or to give information directly or indirectly where, how, of whom, or by what means any alleged or pretended degree or any alleged or pretended secret work or any alleged or pretended secrets of such secret fraternal association, society, order or organization or of any alleged or pretended association, society, order or organization designated or claimed to be known by such title or imitation or resemblance thereof can or may be obtained, conferred or communicated, is punishable by imprisonment for not more than three years or by a fine of not more than one thousand dollars for each offense.

[Penal Code § 567b, added by L. 1906, Ch. 485, § 1.]

§ 937. Obtaining negotiable evidence of debt by false pretenses. If the false token, by which money or property is obtained in violation of sections [five hundred and sixty-six and five hundred and sixty-seven] nine hundred and thirty-two and nine hundred and thirty-four, is a promissory note or other negotiable evidence of debt purporting to be issued by or under the authority of any banking company or corporation not in existence, the person guilty of such cheat is punishable by imprisonment in a state prison not exceeding seven years, instead of by the punishments prescribed by those sections.

[Penal Code § 568.]

§ 938. Using false check or order for payment of money. The use of a matured check, or other order for the payment of money, as a means of obtaining a signature, or money or property, such as is specified in sections [five hundred and sixty-six and five hundred and sixty-seven] nine hundred and thirty-two and nine hundred and thirty-four, by a person who knows that the drawer thereof is not entitled to draw for the sum specified therein, upon the drawee, is the use of a false token within the meaning of those sections, although no representation is made in respect thereto.

[Penal Code § 569.]

§ 939. Fraudulently obtaining employment. A person who obtains employment or appointment to any office or place of trust by color or aid of any false or forged letter or certificate of recommendation, or of any false statement in writing, as to his name, residence, previous employment or qualification; or any person who shall wilfully and intentionally fraudulently represent himself, or herself, to be a deaf and dumb person, in order to collect, receive or otherwise obtain moneys, food, clothing, or anything of value whatsoever, is guilty of a misdemeanor.

[Penal Code § 570, as amended by L. 1886, Ch. 654, § 1.]

§ 940. Fraudulently secreting personal property. A person who, having theretofore executed a mortgage of personal property, or any instrument intended to operate as such, sells, assigns, exchanges, secretes or otherwise disposes of any part of the property, upon which the mortgage or other instrument is at the time a lien, with intent thereby to defraud the mortgagee or a purchaser thereof, is guilty of a misdemeanor.

[Penal Code § 571, added by L. 1882, Ch. 384, § 1.]

§ 941. Pawning borrowed property. A person who without the consent of the owner thereof, sells, pledges, pawns, or otherwise disposes of any property which he has borrowed or hired from the owner, is guilty of a misdemeanor; but this section does not apply to a person leasing or lending property, for a time not exceeding that for which the same was leased or lent to himself.

[Penal Code § 572, added by L. 1882, Ch. 384, § 1, and amended by L. 1892, Ch. 692, § 1.]

§ 942. Personating beneficiary of entrance ticket. A person who, with intent to wrongfully convert to his own use the benefits secured by any ticket, contract, or other paper or writ-

ing, appearing upon its face not negotiable, and which entitles, or purports to entitle the person whose name appears therein, to entrance upon the grounds or premises of a membership corporation, or being thereupon, to remain upon such grounds or premises, falsely personates or attempts to so personate any individual named in such ticket, contract or other paper or writing, as the grantee or beneficiary thereof, is guilty of a misdemeanor.

[Penal Code § 573, as amended by L. 1892, Ch. 692, § 1.]

§ 943. Mock auction. A person who buys or sells, or pretends to buy or sell, any goods, wares, or merchandise, or any species of property, except ships, vessels, or real or leasehold estate, exposed for sale by auction, if an actual sale, purchase, and change of ownership therein does not thereupon take place, is guilty of a misdemeanor, punishable by imprisonment for thirty days, or by fine not exceeding one hundred dollars, or both.

A person, who obtains money or property from another, or obtains the signature of another to any writing, the false making of which would be forgery, by means of any false or fraudulent sale of property or pretended property by auction, or by any of the practices known as mock auctions, is punishable by imprisonment in a state prison not exceeding three years, or in the county jail not exceeding one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment; and in addition thereto he forfeits any license he may hold to act as an auctioneer, and is forever disqualified from receiving a license to act as auctioneer within this state.

[Penal Code §§ 443, 574.]

§ 944. Publishing false messages. A person who prints, publishes, or circulates as true, any message, order or proclamation, purporting to be the message, order or proclamation of the executive of the United States or of this state, or of any other state of the United States now or hereafter admitted, or of any territory of the United States, knowing the same not to be genuine, is punishable[,] by imprisonment in a state prison not exceeding five years, or by fine not exceeding one thousand dollars, or by both. An indictment for this offense may be found in any county in which the message, address or proclamation is printed, published or circulated, but not in more than one county of the State.

[Penal Code § 674.]

§ 945. Unlawfully selling tickets for balls and entertainments. Any person who shall collect money or attempt to collect money or any valuable article, or to sell tickets

for any ball or entertainment for the benefit of any pretended benevolent, humane, or charitable organization, which has no corporate existence, or for any benevolent, humane, or charitable institution, that has been duly incorporated or recognized by the authorities of the state of New York, without first having obtained written authority of the officers of the said institution or organization, attested under the seal of the said institution, according to its rules, shall be guilty of a misdemeanor.

[Penal Code § 674f, added by L. 1899, Ch. 327, § 2.]

§ 946. Misrepresentation of circulation of newspapers or periodicals. Every proprietor or publisher of any newspaper or periodical who shall wilfully or knowingly misrepresent the circulation of such newspaper or periodical for the purpose of securing advertising or other patronage shall be deemed guilty of a misdemeanor.

[Penal Code § 717a, added by L. 1893, Ch. 650, § 1.]

§ 947. Verbal false pretense not criminal. A purchase of property by means of a false pretense is not criminal, where the false pretense relates to the purchaser's means or ability to pay, unless the pretense is made in writing and signed by the party to be charged.

[Penal Code § 544, pt., as amended by L. 1905, Ch. 556, § 1. For remainder of section, see § 442.]

[REFERENCES FOR OTHER SUBJECTS:]

Frauds and cheats: Horse racing, *see* Horse Racing, §§ 1081, 1082.

Fraudulent representations in labor organizations, *see* Labor, § 1278.

On legislature, *see* Legislature, §§ 1295, 1296.

Suppressing evidence, *see* Evidence, § 814.

Witnesses, *see* Witness, § 2442.

Fraudulent draft, *see* Stealing, § 2263.

Fraudulent insolvency, *see* Insolvency.

Fruit; injury to, *see* Malicious Mischief, § 1425.

Fruit trees; spraying with poison, *see* Public Health, § 1757.

Funerals; disturbing, *see* Sepulture, § 2220.]

ARTICLE 88

Gambling

Section 970. Common gambler.

971. *Keeping gambling apparatus in certain places.*

972. *Gambling apparatus declared a nuisance.*

Section 973. *Keeping gaming and betting establishments.*

974. *Keeping of place for game of policy.*

975. *Possession of policy slips.*

976. *Removal of tenants using premises for game of policy.*

977. *Seizure of gambling implements authorized.*

978. *Gambling implements to be destroyed or delivered to district attorney.*

979. *Gambling implements to be destroyed upon conviction.*

980. *Persuading person to visit gambling places.*

981. *Duty of masters to suppress gambling on board their vessels.*

982. *Keeping slot machines.*

983. *Seizures of slot machines and arrest of person in possession.*

984. *Destruction of slot machines by magistrate.*

985. *Destruction of slot machines by the trial court.*

986. *Pool-selling, book-making, bets and wagers.*

987. *Racing animals for stake.*

988. *Cheating at gambling.*

989. *Forfeiture for exacting payment of money won at gambling.*

990. *Penalty for winning or losing twenty-five dollars or upwards.*

991. *Illegal wagers, bets and stakes.*

992. *Contracts on account of money or property wagered, bet or staked are void.*

993. *Securities for money lost at gaming void.*

994. *Property staked may be recovered.*

995. *Losers of certain sums may recover them.*

996. *Witnesses' privileges.*

997. *Officers directed to prosecute offenses.*

§ 970. Common gambler. A person who is the owner, agent, or superintendent of a place, or of any device, or apparatus, for gambling; or who hires, or allows to be used a room, table, establishment or apparatus for such a purpose; or who engages as dealer, game-keeper, or player in any gambling or banking game, where money or property is dependent upon the result; or who sells or offers to sell what are commonly called lottery policies, or any writing, paper, or document in the nature of a bet, wager, or insurance upon the drawing or drawn numbers of any public or private lottery; or who indorses or uses a book, or other document, for the purpose of enabling others to sell, or offer to sell, lottery policies, or other such writings, papers, or

documents, is a common gambler, and punishable by imprisonment for not more than two years, or by a fine not exceeding one thousand dollars, or both.

[Penal Code § 344.]

§ 971. Keeping gambling apparatus in certain places. It is unlawful to keep or use any table, cards, dice or any other article or apparatus whatever, commonly used or intended to be used in playing any game of cards or faro, or other game of chance, upon which money is usually wagered, at any of the following places:

1. Within a building, or the appurtenances or grounds connected with any building, in which a court of justice usually holds its sessions; or a building, any part of which is usually occupied by a religious corporation, or an incorporated benevolent, charitable, scientific or missionary society, or an incorporated academy, high school, college or other institution of learning, a library company, or building and mutual loan company; or,

2. Within any building, or the appurtenances or grounds connected with any building, while votes are received or canvassed therein at any election for an officer of this state, or of the United States; or while any public meeting is held therein; or,

3. Within the distance of one mile from the grounds upon which any training, review, drill or exercise of a military organization, created or permitted by the laws of this state, is proceeding, or upon which any public fair, exhibition, exercise or meeting is held in the open air; or,

4. Within any vessel lying in, or navigating, any of the waters of this state; or owned, or navigated by, or for account of any corporation created by the laws of this state.

A person who knowingly violates [the last] this section is guilty of a misdemeanor.

[Penal Code §§ 336, 337.]

§ 972. Gambling apparatus declared a nuisance. An article or apparatus maintained or kept in violation of section [three hundred and thirty-six] nine hundred and seventy-one, is a public nuisance.

[Penal Code § 338.]

§ 973. Keeping gaming and betting establishments. [See note 54] Any corporation or association or the officers thereof or any copartnership or individual, who keeps a room, shed, tent, tenement, booth, building, float or vessel, or any part thereof, to

be used for gambling or for any purpose or in any manner forbidden by this [chapter] article, or for making any wagers or bets made to depend upon any lot, chance, casualty, unknown or contingent event or on the future price of stocks, bonds, securities, commodities or property of any description whatever or for making any contract [or contracts] for or on account of any money, property or thing in action, so bet or wagered, or being the owner or agent, knowingly lets or permits the same to be so used, is guilty of a misdemeanor. This section shall not be extended so as to prohibit or in any manner affect any insurance made in good faith for the security or indemnity of the party insured and which is not otherwise prohibited by law, nor to any contract on bottomry or respondentia.

[Penal Code § 343, as amended by L. 1889, Ch. 428, § 1; L. 1895, Ch. 571, § 1.]

§ 974. Keeping of place for game of policy. A person who keeps, occupies or uses, or permits to be kept, occupied or used, a place, building, room, table, establishment or apparatus for policy playing or for the sale of what are commonly called "lottery policies," or who delivers or receives money or other valuable consideration in playing policy, or in aiding in the playing thereof, or for what is commonly called a "lottery policy," or for any writing, paper or document in the nature of a bet, wager or insurance upon the drawing or drawn numbers of any public or private lottery; or who shall have in his possession, knowingly, any writing, paper or document, representing or being a record of any chance, share or interest in numbers sold, drawn or to be drawn, or in what is commonly called "policy," or in the nature of a bet, wager or insurance, upon the drawing or drawn numbers of any public or private lottery; or any paper, print, writing, numbers, device, policy slip, or article of any kind such as is commonly used in carrying on, promoting or playing the game commonly called "policy"; or who is the owner agent, superintendent, janitor or caretaker of any place, building, or room where policy playing or the sale of what are commonly called "lottery policies" is carried on with his knowledge or after notification that the premises are so used, permits such use to be continued, or who aids, assists, or abets in any manner, in any of the offenses, acts or matters herein named, is a common gambler, and punishable by imprisonment for not more than two years, and in the discretion of the court, by a fine not exceeding one thousand dollars or both.

[Penal Code § 344a, added by L. 1901, Ch. 190, § 1.]

§ 975. Possession of policy slips. The possession, by ^[See note 55] any person other than a public officer, of any writing, paper, or document representing or being a record of any chance, share or interest in numbers sold, drawn or to be drawn, or in what is commonly called "policy," or in the nature of a bet, wager or insurance upon the drawing or drawn numbers of any public or private lottery, or any paper, print, writing, numbers or device, policy slip, or article of any kind, such as is commonly used in carrying on, promoting or playing the game commonly called "policy," is presumptive evidence of possession thereof knowingly and in violation of the provisions of section **[three hundred and forty-four-a]** nine hundred and seventy-four.

[Penal Code § 344b, added by L. 1901, Ch. 190, § 1.]

§ 976. Removal of tenants using premises for game of policy. Any person having information of any place, building or room where policy playing or the sale of what are commonly called "lottery policies" is carried on, may serve personally upon the owner, landlord, agent, superintendent, janitor or caretaker of the premises, so used or occupied, a written notice, requiring the owner, landlord, agent, superintendent, janitor or caretaker, to make an application for the removal of the person so using or occupying the same. If the owner, landlord, agent, superintendent, janitor or caretaker, does not make such an application within five days thereafter, or, having made it, does not in good faith diligently prosecute it, the person giving the notice may make such an application, stating in his petition, the facts so entitling him to make it. Such an application has the same effect, as if the applicant was the landlord or lessor of the premises. The omission, or neglect of the owner, landlord, agent, superintendent, janitor or caretaker, to make such an application, or, having made it, the omission or neglect to in good faith diligently prosecute it, shall be presumptive evidence against the person on whom such notice shall be served of a violation of the provisions of section **[three hundred and forty-four-a]** nine hundred and seventy-four. And in case the person giving said notice shall make an application as hereinbefore provided, and a final order shall be made as specified in section twenty-two hundred and forty-nine of the code of civil procedure, such order shall be evidence of a violation of the provisions of section **[three hundred and forty-four-a]** nine hundred and seventy-four by the occupant of said premises and by the person on whom the notice herein provided for shall have been served. For the purpose of such applications, summary proceedings to recover possession

of the premises so used or occupied may be maintained under the provisions of chapter seventeen, title two, of the code of civil procedure.

[Penal Code § 344c, added by L. 1901, Ch. 190, § 1.]

[See note 54] **§ 977. Seizure of gambling implements authorized.**

A person, who is required or authorized to arrest any person for a violation of the provisions of this [chapter] article, is also authorized and required to seize any table, cards, dice or other apparatus or article, suitable for gambling purposes, found in the possession or under the control of the person so arrested, and to deliver the same to the magistrate before whom the person arrested is required to be taken.

[Penal Code § 345.]

[See note 54] **§ 978. Gambling implements to be destroyed or delivered to district attorney.**

The magistrate, to whom any thing suitable for gambling purposes is delivered pursuant to the last section, must, upon the examination of the defendant, or if such examination is delayed or prevented, without awaiting such examination, determine the character of the thing so delivered to him, and whether it was actually employed by the defendant in violation of the provisions of this [chapter] article; and if he finds that it is of a character suitable for gambling purposes, and that it has been used by the defendant in violation of this [chapter] article, he must cause it to be destroyed, or to be delivered to the district attorney of the county in which the defendant is liable to indictment or trial, as the interests of justice may, in his opinion, require.

[Penal Code § 346.]

§ 979. Gambling implements to be destroyed upon conviction. Upon the conviction of the defendant, the district attorney must cause to be destroyed every thing suitable for gambling purposes, in respect whereof the defendant stands convicted, and which remains in the possession or under the control of the district attorney.

[Penal Code § 347.]

§ 980. Persuading person to visit gambling places.

A person, who persuades another to visit any building or part of a building, or any vessel or float, occupied or used for the purpose of gambling, in consequence whereof such other person

gambles therein, is guilty of a misdemeanor; and in addition to the punishment prescribed therefor, is liable to such other person in an amount equal to any money or property there lost by him at play, to be recovered in a civil action.

[Penal Code § 348.]

§ 981. Duty of masters to suppress gambling on board their vessels. If the commander, owner or hirer of any vessel or float, knowingly permits any gambling for money or property on board such vessel or float, or if he does not, upon his knowledge of the fact, immediately prevent the same, he is punishable by a fine not exceeding five hundred dollars; and in addition thereto is liable to any party losing money or property by means of gambling in violation of this section, in a sum equal to the money or property, to be recovered in a civil action.

[Penal Code § 350.]

§ 982. Keeping slot machines. Any person who has in his possession, or under his control, or who permits to be placed, maintained or kept in any room, space, inclosure or building, owned, leased or occupied by him, or under his management or control, any machine, apparatus or device, into which may be, or might have been, inserted any piece of money or other object, and from which, as a result of such insertion, or as a result of such insertion and the application of physical or mechanical force, may issue, or might have issued, any piece or pieces of money, or any check or memoranda calling for any money, and which machine, apparatus or device is commonly known as a slot machine, is guilty of a misdemeanor.

[Penal Code § 337a, added by L. 1899, Ch. 655, § 1.]

§ 983. Seizures of slot machines and arrest of person in possession. It shall be the duty of every officer authorized to make arrests to seize every machine, apparatus or device answering to the description contained in the last section and to arrest the person actually or apparently in possession or control thereof or of the premises in which the same may be found, if any such person be present at the time of the seizure, and to bring the machine, apparatus or device, and the prisoner, if there be one, before a committing magistrate.

[Penal Code § 337b, added by L. 1899, Ch. 655, § 1.]

§ 984. Destruction of slot machines by magistrates. The magistrate before whom any machine, apparatus or device

is brought pursuant to the last section must, if there be a prisoner, and if he shall hold such prisoner, cause the machine, apparatus or device to be delivered to the district attorney of the county to be used as evidence on the trial of the said prisoner. If there be no prisoner or if the magistrate does not hold the prisoner, he must cause the immediate destruction of the machine, apparatus or device.

[Penal Code § 337c, added by L. 1899, Ch. 655, § 1.]

§ 985. Destruction of slot machines by the trial court. It shall be the duty of the district attorney of the county to see that every person held in pursuance of the last section shall be brought to trial within thirty days from the date of his final examination before the magistrate; and the machine, apparatus or device shall be produced in court on the trial. It shall be the duty of the trial court, after the disposition of the case, and whether the defendant be convicted, acquitted or fails to appear for trial, to cause the immediate destruction of the machine, apparatus or device.

[Penal Code § 337d, added by L. 1899, Ch. 655, § 1.]

§ 986. Pool-selling, book-making, bets and wagers.

Any person who engages in pool-selling, or book-making at any time or place; or any person who keeps or occupies any room, shed, tenement, tent, booth, or building, float or vessel, or any part thereof, or who occupies any place or stand of any kind, upon any public or private grounds, within this state, with books, papers, apparatus or paraphernalia, for the purpose of recording or registering bets or wagers, or of selling pools, and any person who records or registers bets or wagers, or sells pools upon the result of any trial or contest of skill, speed or power of endurance, of man or beast, or upon the result of any political nomination, appointment or election; or upon the result of any lot, chance, casualty, unknown or contingent event whatsoever; or any person who receives, registers, records or forwards, or purports or pretends to receive, register, record or forward, in any manner whatsoever, any money, thing or consideration of value, bet or wagered, or offered for the purpose of being bet or wagered, by or for any other person, or sells pools, upon any such result; or any person who, being the owner, lessee or occupant of any room, shed, tenement, tent, booth or building, float or vessel, or part thereof, or of any grounds within this state, knowingly permits the same to be used or occupied for any of these purposes, or therein keeps, exhibits or employs any device or apparatus for the purpose of recording and registering such bets or wagers, or

the selling of such pools, or becomes the custodian or depositary for gain, hire or reward, of any money, property or thing of value, staked, wagered or pledged, or to be wagered or pledged upon any such result; or any person who aids, assists or abets in any manner in any of the said acts, which are hereby forbidden, is guilty of a felony, except when another penalty is provided by law, and upon conviction is punishable by imprisonment in the state prison for a period not more than two years, or by a fine not exceeding two thousand dollars. When an exclusive penalty is provided by law for an act hereby prohibited, the permitting of the use of premises for the doing of the act in such case shall not be deemed a violation hereof, or of section [three hundred and forty-three] nine hundred and seventy-three of this [code] chapter.

[Penal Code § 351, as amended by L. 1895, Ch. 572, § 1; L. 1901, Ch. 636, § 1.]

§ 987. Racing animals for stake. All racing or trial of speed between horses or other animals for any bet, stake or reward, except such as is allowed by special laws, is a public nuisance; and every person acting or aiding therein, or making or being interested in any such bet, stake or reward is guilty of a misdemeanor; and in addition to the penalty prescribed therefor, he forfeits to the people of this state, all title or interest in any animal used with his privity in such race or trial of speed, and in any sum of money or other property betted or staked upon the result thereof.

[Penal Code § 352.]

§ 988. Cheating at gambling. A person who, by any fraud, or false pretense whatsoever, while playing at any game, or while having a share in any wager played for, or while betting on the sides or hands of such as play, wins, or acquires to himself, or to any other, a sum of money or other valuable thing, is guilty of a misdemeanor.

[Penal Code § 339.]

§ 989. Forfeiture for exacting payment of money won at gambling. A person who exacts or receives from another, directly or indirectly, any money or other valuable thing, by reason of the same having been won by playing at cards, faro, or any other game of chance, or any bet or wager whatever upon the hands or sides of players, forfeits five times the value of the money or thing so exacted or received, to be recovered in a civil

action, by the persons charged with the support of the poor in the place where the offense was committed, for the benefit of the poor.

[Penal Code § 340.]

§ 990. Penalty for winning or losing twenty-five dollars or upwards. A person who wins or loses at play or by betting, at any time, the sum or value of twenty-five dollars or upwards, within the space of twenty-four hours, is punishable by a fine not less than five times the value or sum so lost or won, to be recovered in a civil action, by the persons charged with the support of the poor in the place where the offense was committed, for the benefit of the poor.

[Penal Code § 341.]

§ 991. Illegal wagers, bets and stakes. All wagers, bets or stakes, made to depend upon any race, or upon any gaming by lot or chance, or upon any lot, chance, casualty, or unknown or contingent event whatever, shall be unlawful.

[R. S. Pt. 1, Ch. 20, Tit. 8, § 8, pt. For remainder of section, see § 992.]

§ 992. Contracts on account of money or property wagered, bet or staked are void. All contracts for or on account of any money or property, or thing in action [so] wagered, bet or staked, as provided in the preceding section, shall be void.

[R. S. Pt. 1, Ch. 20, Tit. 8, § 8, pt. For remainder of section, see § 991.]

§ 993. Securities for money lost at gaming void. All things in action, judgments, mortgages, conveyances, and every other security whatsoever, given or executed, by any person, where the whole or any part of the consideration of the same shall be for any money or other valuable thing won by playing at any game whatsoever, or won by betting on the hands or sides of such as do play at any game, or where the same shall be made for the repaying any money knowingly lent or advanced for the purpose of such gaming or betting aforesaid, or lent or advanced at the time and place of such play, to any person so gaming or

betting aforesaid, or to any person who, during such play, shall play or bet, shall be utterly void, except where such securities, conveyances or mortgages shall affect any real estate, when the same shall be void as to the grantee therein, so far only as hereinafter declared.

When any securities, mortgages or other conveyances, executed for the whole or part of any consideration specified in the preceding [section] paragraph shall affect any real estate, they shall inure for the sole benefit of such person as would be entitled to the said real estate, if the grantor or person incumbering the same, had died, immediately upon the execution of such instrument, and shall be deemed to be taken and held to and for the use of the person who would be so entitled. All grants, covenants and conveyances, for preventing such real estate from coming to, or devolving upon, the person hereby intended to enjoy the same as aforesaid, or in any way incumbering or charging the same, so as to prevent such person from enjoying the same fully and entirely, shall be deemed fraudulent and void.

[R. S. Pt. 1, Ch. 20, Tit. 8, §§ 16, 17.]

§ 994. Property staked may be recovered. Any person who shall pay, deliver or deposit any money, property or thing in action, upon the event of any wager or bet [herein] prohibited, may sue for and recover the same of the winner or person to whom the same shall be paid or delivered, and of the stakeholder or other person in whose hands shall be deposited any such wager, bet or stake, or any part thereof, whether the same shall have been paid over by such stakeholder or not, and whether any such wager be lost or not.

[R. S. Pt. 1, Ch. 20, Tit. 8, § 9.]

§ 995. Losers of certain sums may recover them. Every person who shall, by playing at any game, or by betting on the sides or hands of such as do play, lose at any time or sitting, the sum or value of twenty-five dollars or upwards, and shall pay or deliver the same or any part thereof, may, within three calendar months after such payment or delivery, sue for

and recover the money or value of the things so lost and paid or delivered, from the winner thereof.

In case the person losing such sum or value shall not, within the time aforesaid, in good faith and without collusion, sue for the sum or value so by him lost and paid or delivered, and prosecute such suit to effect without unreasonable delay, the overseers of the poor of the town where the offense was committed, may sue for and recover the sum or value so lost and paid, together with treble the said sum or value, from the winner thereof, for the benefit of the poor.

[R. S. Pt. 1, Ch. 20, Tit. 8, §§ 14, 15.]

§ 996. Witnesses' privileges. 1. No person shall be excused from attending and testifying, or producing any books, papers or other documents before any court or magistrate, upon any investigation, proceeding or trial, for a violation of any of the provisions of this [chapter] article, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime or to subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding.

[See note 56] 2. Any person offending against any of the provisions contained in section nine hundred and ninety-one of this article, who shall be admitted and examined as a witness, in any court of record, to sustain any suit or prosecution [herein] authorized by sections nine hundred and ninety-four and nine hundred and ninety-five, may [by rule of the court,] be discharged by the court from all penalties by reason of such offense, if such person [hath] has not before been convicted thereof, or of a similar offense, and if it appear to the court satisfactorily, that such person was duped or enticed into the commission of the offense, by those against whom he shall testify.

[Subd. 1, Penal Code § 342, as amended by L. 1904, Ch. 649, § 1. Subd. 2, R. S., Pt. 1, Ch. 20, Tit. 8, § 21.]

§ 997. Officers directed to prosecute offenses. It is ^[See note 54] the duty of all sheriffs, constables, police officers, and prosecuting or district attorneys to inform against, and prosecute, all persons whom they have reason to believe offenders against the provisions of this [chapter] article; and any omission so to do is punishable by a fine not exceeding five hundred dollars.
[Penal Code § 349.]

[REFERENCES FOR OTHER SUBJECTS:

Gas: Interference with pipes, *see* Malicious Mischief, § 1431.

Injury to pipes, *see* Malicious Mischief, § 1423.

Graves; opening, *see* Sepulture, § 2218.

Guardian and ward; apprenticing without consent, *see* Apprentices, § 210.]

ARTICLE 90

Habitual Criminals

Section 1020. When a person may be adjudged an habitual criminal.

1021. *Person of habitual criminal subject to supervision.*

1022. *Effect of pardon of habitual criminal.*

§ 1020. When a person may be adjudged an habitual criminal. Where a person is hereafter convicted of a felony, who has been, before that conviction, convicted in this state, of any other crime, or where a person is hereafter convicted of a misdemeanor who has been already five times convicted in this state of a misdemeanor, he may be adjudged by the court, in addition to any other punishment inflicted upon him, to be an habitual criminal.

[Penal Code § 690.]

§ 1021. Person of habitual criminal subject to supervision. The person of an habitual criminal shall be at all times subject to the supervision of every judicial magistrate of the county, and of the supervisors and overseers of the poor of the town where the criminal may be found, to the same extent that a minor is subject to the control of his parent or guardian.

[Penal Code § 691.]

§ 1022. Effect of pardon of habitual criminal. The governor may grant a pardon which shall relieve from judgment of habitual criminality as from any other sentence; but upon a subsequent conviction for felony of a person so pardoned, a judg-

ment of habitual criminality may be again pronounced on account of the first conviction, notwithstanding such pardon.

[Penal Code § 692.]

ARTICLE 92

Hazing

Section 1030. Hazing prohibited.

§ 1030. Hazing prohibited. It shall be unlawful for any person [or persons] to engage in or aid or abet what is commonly called hazing, in or while attending any of the colleges, public schools or other institutions of learning in this state, and whoever participates in the same shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars, or imprisonment not less than thirty days nor more than one year, or both, at the discretion of the court.

Whenever any tattooing or permanent disfigurement of the body, limbs or features of any person [or persons] may result from such hazing, by the use of nitrate of silver or any like substance, it shall be held to be a crime of the degree of mayhem, and any person guilty of the same shall, upon conviction, be punished by imprisonment for not less than three nor more than fifteen years.

[L. 1894, Ch. 265.]

[REFERENCES FOR OTHER SUBJECTS:

Health laws, *see* Public Health, §§ 1740, 1741.

Highways: Dangerous animals on, *see* Malicious Mischief, § 1425.

Driving vehicles and animals on sidewalk, *see* Public Safety, § 1907.

Driving vehicles and animals on side-path, *see* Public Safety, § 1908.

Injury to, *see* Malicious Mischief, § 1423.

Injurious substances thereon, *see* Malicious Mischief, § 1434.

Noisome or unwholesome substances in, *see* Public Health, § 1754.

[REFERENCES FOR OTHER SUBJECTS — Continued:

- Obstruction by railroad train, *see* Railroads, § 1985.
Riding bicycle on sidewalk or side-path, *see* Public Safety, § 1909.
Running horses on, *see* Animals, § 194.
Substances injurious to animals, *see* Animals, § 191.]

ARTICLE 94**Homicide**

- Section* 1040. *Common law petit treason is homicide.*
1041. *What proof of death is required.*
1042. *Homicide defined.*
1043. *Different kinds of homicide.*
1044. *Murder in first degree defined.*
1045. *Punishment for murder in first degree.*
1046. *Murder in second degree defined.*
1047. *Duel fought out of this state.*
1048. *Punishment for murder in the second degree.*
1049. *Manslaughter defined.*
1050. *Manslaughter in first degree.*
1051. *Punishment for manslaughter in first degree.*
1052. *Manslaughter in second degree defined.*
1053. *Punishment for manslaughter in second degree.*
1054. *Excusable homicide.*
1055. *Justifiable homicide.*

§ 1040. Common law petit treason is homicide.

The rules of the common law, distinguishing the killing of a master by his servant, and of a husband by his wife, as petit treason, are abolished; and those homicides are punishable, when not justifiable or excusable, as prescribed by this [code] chapter.

[Penal Code § 182.]

§ 1041. What proof of death is required. No person can be convicted of murder or manslaughter unless the death of the person alleged to have been killed and the fact of killing by the defendant, as alleged, are each established as independent facts; the former by direct proof, and the latter beyond a reasonable doubt.

[Penal Code § 181, as amended by L. 1882, Ch. 384, § 1.]

§ 1042. Homicide defined. Homicide is the killing of one human being by the act, procurement or omission of another.

[Penal Code § 179.]

§ 1043. Different kinds of homicide. Homicide is [either]:

1. Murder; or,
2. Manslaughter; or,
3. Excusable homicide; or,
4. Justifiable homicide.

[Penal Code § 180.]

§ 1044. Murder in first degree defined. The killing of a human being, unless it is excusable or justifiable, is murder in the first degree, when committed [either]:

1. From a deliberate and premeditated design to effect the death of the person killed, or of another; or,

2. By an act imminently dangerous to others, and evincing a depraved mind, regardless of human life, although without a premeditated design to effect the death of any individual; or without a design to effect death, by a person engaged in the commission of, or in an attempt to commit a felony, either upon or affecting the person killed or otherwise; or,

3. When perpetrated in committing the crime of arson in the first degree.

4. A person who wilfully, by loosening, removing or displacing a rail, or by any other interference, wrecks, destroys or so injures any car, tender, locomotive or railway train, or part thereof, while moving upon any railway in this state, whether operated by steam, electricity or other motive power, as to thereby cause the death of a human being, is guilty of murder in the first degree, and punishable accordingly.

[Penal Code § 183, as amended by L. 1882, Ch. 384, § 1. Same, § 183a, added by L. 1897, Ch. 548, § 1.]

§ 1045. Punishment for murder in first degree. Murder in the first degree is punishable by death.

[Penal Code § 186.]

§ 1046. Murder in second degree defined. Such killing of a human being is murder in the second degree, when committed with a design to effect the death of the person killed, or of another, but without deliberation and premeditation.

[Penal Code § 184.]

§ 1047. Duel fought out of this state. A person who, by previous appointment made within the state, fights a duel with-

out the state, and in so doing inflicts a wound upon his antagonist, whereof the person injured dies; or who engages or participates in such a duel, as a second or assistant to either party, is guilty of murder in the second degree, and may be indicted, tried and convicted in any county of this state.

[Penal Code § 185.]

§ 1048. Punishment for murder in the second degree. Murder in the second degree is punishable by imprisonment under an indeterminate sentence, the minimum of which shall be twenty years and the maximum of which shall be for the offender's natural life; and any person serving a term of imprisonment for life, under an original sentence for murder in the second degree, [when this section, as amended, takes effect] on the first day of September, nineteen hundred and seven, shall be deemed to be thereafter serving under such an indeterminate sentence.

[Penal Code § 187, as amended by L. 1907, Ch. 738, § 1.]

§ 1049. Manslaughter defined. In a case other than one of those specified in [the] sections [183, 184 and 185] ten hundred and forty-four, ten hundred and forty-six and ten hundred and forty-seven, homicide, not being justifiable or excusable, is manslaughter.

[Penal Code § 188.]

§ 1050. Manslaughter in first degree. Such homicide is manslaughter in the first degree, when committed without a design to effect death [either]:

1. By a person engaged in committing; or attempting to commit, a misdemeanor, affecting the person or property, either of the person killed, or of another; or,

2. In the heat of passion, but in a cruel and unusual manner, or by means of a dangerous weapon.

The wilful killing of an unborn quick child, by any injury committed upon the person of the mother of such child, is manslaughter in the first degree.

A person who provides, supplies, or administers to a woman, whether pregnant or not, or who prescribes for, or advises or procures a woman to take any medicine, drug, or substance, or who uses or employs, or causes to be used or employed, any instrument or other means, with intent thereby to procure the miscarriage of a woman, unless the same is necessary to preserve her life, in case the death of the woman, or of any quick child of which she is

pregnant, is thereby produced, is guilty of manslaughter in the first degree.

[Penal Code §§ 189–191.]

§ 1051. Punishment for manslaughter in first degree. Manslaughter in the first degree is punishable by imprisonment for a term not exceeding twenty years.

[Penal Code § 192, as amended by L. 1892, Ch. 662, § 3.]

[See note 57] **§ 1052. Manslaughter in second degree defined.**

Such homicide is manslaughter in the second degree, when committed without a design to effect death[either]:

1. By a person committing or attempting to commit a trespass, or other invasion of a private right, either of the person killed, or of another, not amounting to a crime; or,

2. In the heat of passion, but not by a dangerous weapon or by the use of means either cruel or unusual; or,

3. By any act, procurement or culpable negligence of any person, which, according to the provisions of this [chapter] article, does not constitute the crime of murder in the first or second degree, nor manslaughter in the first degree.

Woman producing miscarriage.—A woman quick with child, who takes or uses, or submits to the use of any drug, medicine, or substance, or any instrument or other means with intent to produce her own miscarriage, unless the same is necessary to preserve her own life, or that of the child whereof she is pregnant, if the death of such child is thereby produced, is guilty of manslaughter in the second degree.

Negligent use of machinery.—A person who, by any act of negligence or misconduct in a business or employment in which he is engaged, or in the use or management of any machinery, animals, or property of any kind, intrusted to his care, or under his control, or by any unlawful, negligent or reckless act, not specified by or coming within the foregoing provisions of this [chapter] article, or the provisions of some other statute, occasions the death of a human being, is guilty of manslaughter in the second degree.

Mischievous animals.—If the owner of a mischievous animal, knowing its propensities, wilfully suffers it to go at large, or keeps it without ordinary care, and the animal, while so at large, and not confined, kills a human being, who has taken all the precautions which the circumstances permitted, to avoid the animal, the owner is guilty of manslaughter in the second degree.

Overloading passenger vessel.—A person navigating a vessel for gain, who wilfully or negligently receives so many passengers or such a quantity of other lading on board the vessel, that, by means thereof, the vessel sinks, or is upset or injured, and thereby a human being is drowned, or otherwise killed, is guilty of manslaughter in the second degree.

Persons in charge of steamboats.—A person having charge of a steamboat used for the conveyance of passengers, or of a boiler or engine thereof, who, from ignorance, recklessness, or gross neglect, or for the purpose of excelling any other boat in speed, creates, or allows to be created, such an undue quantity of steam as to burst the boiler, or other apparatus in which it is generated or contained, or to break any apparatus or machinery connected therewith, whereby the death of a human being is occasioned, is guilty of manslaughter in the second degree.

Persons in charge of steam engines.—An engineer or other person, having charge of a steam boiler, steam engine, or other apparatus for generating or applying steam, employed in a boat or railway, or in a manufactory, or in any mechanical works, who wilfully, or from ignorance or gross neglect, creates or allows to be created, such an undue quantity of steam as to burst the boiler, engine, or apparatus, or to cause any other accident, whereby the death of a human being is produced, is guilty of manslaughter in the second degree.

Acts of physicians while intoxicated.—A physician or surgeon, or person practicing as such, who, being in a state of intoxication, without a design to effect death, administers a poisonous drug or medicine, or does any other act as a physician or surgeon, to another person, which produces the death of the latter, is guilty of manslaughter in the second degree.

Persons making or keeping gunpowder contrary to law. A person who makes or keeps gunpowder or any other explosive substance within a city or village, in any quantity or manner prohibited by law, or by ordinance of the city or village, if any explosion thereof occurs, whereby the death of a human being is occasioned, is guilty of manslaughter in the second degree.

[Penal Code § 193; subd. 2 as amended by L. 1887, Ch. 23, § 1; same, §§ 194-201.]

§ 1053. Punishment for manslaughter in second degree. Manslaughter in the second degree is punishable by imprisonment for a term not exceeding fifteen years, or by a fine of not more than one thousand dollars, or by both.

[Penal Code § 202, as amended by L. 1892, Ch. 662, § 4.]

§ 1054. Excusable homicide. Homicide is excusable when committed by accident and misfortune, in lawfully correcting a child or servant, or in doing any other lawful act, by lawful means, with ordinary caution, and without any unlawful intent. [Penal Code § 203.]

§ 1055. Justifiable homicide. Homicide is justifiable when committed by a public officer, or a person acting by his command and in his aid and assistance [either]:

1. In obedience to the judgment of a competent court; or,
2. Necessarily, in overcoming actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty; or,
3. Necessarily, in retaking a prisoner who has committed, or has been arrested for, or convicted of a felony, and who has escaped or has been rescued, or in arresting a person who has committed a felony and is fleeing from justice; or in attempting by lawful ways and means to apprehend a person for a felony actually committed, or in lawfully suppressing a riot, or in lawfully preserving the peace.

Homicide is also justifiable when committed: [either]

1. In the lawful defense of the slayer, or of his or her husband, wife, parent, child, brother, sister, master or servant, or of any other person in his presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony, or to do some great personal injury to the slayer, or to any such person, and there is imminent danger of such design being accomplished; or,
2. In the actual resistance of an attempt to commit a felony upon the slayer, in his presence, or upon or in a dwelling or other place of abode in which he is.

[Penal Code §§ 204, 205.]

ARTICLE 96

Horse Racing

Section 1080. Racing near a court-house.

1081. *Fraudulent entries and practices in contests of speed.*

1082. *Fraudulent entries and practices in contests of speed.*

§ 1080. Racing near a court-house. A person concerned in any racing, running or other trial of speed between horses or other animals, within one mile of the place where a

court is actually sitting, is guilty of a misdemeanor; and it shall not be lawful for any person, association, corporation or copartnership to build, maintain or operate any race track within four miles of any court-house situated in a county adjoining a city of the first class which by the last state enumeration contained not more than seventy-two thousand inhabitants and not less than sixty-eight thousand inhabitants; but nothing in this section shall apply to or affect trials of speed between horses or other animals upon the grounds of a county agricultural society during the days on which the fairs of such society are held, nor apply to or affect the maintenance and operation of any race track upon which races were conducted in the year nineteen hundred and five under the license of the state racing commission.

[Penal Code § 147, as amended by L. 1900, Ch. 109, § 1; L. 1906, Ch. 353, § 1.]

§ 1081. Fraudulent entries and practices in contests of speed. Any person who:

1. Knowingly enters for competition, or furnishes to another person for entry or competition, or brings into this state for entry or competition for any purse, prize, premium, stake or sweepstakes offered or established by any person, association or corporation, any running, trotting or pacing horse, mare, gelding, colt or filly under an assumed name, or out of its proper class, or that has been painted or disguised or represented to be any other or different horse, mare, gelding, colt or filly from the one which is purported to be entered where such prize, purse, premium, stake or sweepstakes is to be decided by a contest of speed; or,

2. Being the owner, trainer, or other person having the control of the racing qualities of any running, trotting or pacing horse, mare, gelding, colt or filly, knowingly allows the same to compete for any such prize, purse, premium, stake or sweepstakes under an assumed name, or out of its proper class, or as any other or different horse, mare, gelding, colt or filly than the one it actually is; or,

3. In any competition for any such purse, prize, premium, stake or sweepstakes, knowingly drives any trotting or pacing horse, mare, gelding, colt or filly which has been entered under an assumed name, or out of its proper class or which has been painted or disguised, or represented to be any other or different horse, mare, gelding, colt or filly than the one it actually is,

Shall be guilty of a misdemeanor, punishable by a fine of not less than five hundred nor more than fifteen hundred dollars, or by imprisonment for not more than one year, or both.

The true name and age, and also the pedigree, unless such pedigree is unknown, of every such animal shall be registered with the jockey club before it shall be eligible to compete in any such race conducted under the license of the state racing commission; and such name shall continue to be its true name unless and until the same shall be changed according to the rules and regulations of such jockey club. Any person who shall knowingly cause or procure or aid in any false registration under this section shall be guilty of a misdemeanor, and upon conviction shall be punished as hereinabove provided. The class to which any such animal belongs for the purpose of the entry or competition in any other race shall be determined by the public performance thereof in former contests or trials of speed, as provided by the printed rules of the person, association or corporation under which the proposed contest is advertised to be conducted.

[Penal Code § 384o, added by L. 1898, Ch. 394, § 1, and amended by L. 1906, Ch. 454, § 1.]

[See note 58] **§ 1082. Fraudulent entries and practices in contests of speed.** [Section 1. In order to encourage the breeding of improved trotting and pacing horses in the state of New York,] 1. It is hereby made unlawful for any person or persons knowingly to enter or cause to be entered for competition or to compete for any purse, prize, premium, stake or sweepstakes offered or given by any agricultural or other society, association, or person or persons in the state of New York or to drive any horse, mare or gelding, colt or filly under an assumed name, or out of its proper class, where such prize, purse, premium, stake or sweepstakes is to be decided by a contest of speed.

[§ 2.] 2. Any person or persons found guilty of a violation of [section] subdivision one of this [act] section shall upon conviction thereof be imprisoned in the state prison for a period of not more than three years, or by imprisonment in the county jail of the county in which he is convicted for a definite period of not more than one year or shall be fined in a sum not exceeding one thousand dollars, and one-half of such fine shall be paid to the society or association upon whose grounds such offense shall be committed

[§ 3.] 3. The name of any horse for the purpose of entry for competition in any contest of speed shall not be changed after once having contested for a prize, purse, premium, stake or sweepstakes, except as provided by the code of printed rules of the society or association under which the contest is advertised to be conducted.

[§ 4.] 4. The class to which a horse belongs for the purpose of an entry in any such contest of speed shall be determined by the public performance of said horse in any former contest or trial of speed, as provided by the printed rules of the society or association under which the proposed contest is advertised to be conducted, and any person or persons knowingly misrepresenting or fraudulently concealing the result of the public performance in any former contest of speed of any horse which he or they propose to enter for competition in any such contest, shall, upon conviction thereof, be liable to the same punishment as is provided in [section] subdivision two of this [act] section, whether he or they shall succeed in making such entry or not.

[L. 1893, Ch. 296.]

[REFERENCES FOR OTHER SUBJECTS:

Hotels: Fire-escapes, *see* Public Safety, § 1905.

Frauds on hotel-keepers, *see* Frauds and Cheats, § 925.

Refusing to receive guests, *see* Civil Rights, §§ 513, 514.

Hudson river: Lights on swing bridges, *see* Navigation, § 1504.

Unlawful use of net or weir, *see* Navigation, § 1503.]

ARTICLE 98

Husband and Wife

Section 1090. Compulsory prostitution of wife.

1091. Wife a competent witness.

§ 1090. Compulsory prostitution of wife. [Subdivision 1.] Any man who by force, fraud, intimidation or threats, places or leaves, or procures any other person [or persons] to place or leave, his wife in a house of prostitution, or to lead a life of

prostitution, shall be guilty of a felony and upon conviction thereof shall be imprisoned for not more than ten years.

[Penal Code § 282b, pt., added by L. 1906, Ch. 138, § 1. For remainder of section, see § 1091 hereof.]

§ 1091. Wife a competent witness. [Subdivision 2.] In all prosecutions under [this act] the previous section, the wife shall be a competent witness against the husband, but no conviction under this [act] article shall be had upon the testimony of the wife unsupported by other evidence.

[Penal Code § 282b, pt., added by L. 1906, Ch. 138, § 1. For remainder of section, see § 1090 hereof.]

[REFERENCES FOR OTHER SUBJECTS:

Husband and wife as witness, *see* Witness, § 2445.]

ARTICLE 100

Ice

Section 1100. Cutting ice in front of premises of another.

§ 1100. Cutting ice in front of premises of another.

1. A person who takes possession of or cuts ice in front of the lands of another on any water except lakes, ponds, the Hudson and Mohawk rivers and the tide waters of Rondout and Catskill creeks, between the center of such body of water and such lands, after the owner or occupant has posted in a conspicuous manner upon such lands near the banks of such waters a written or printed notice of his desire to cut ice in front of such lands; or,

2. Trespasses upon or takes such ice or any part thereof for commercial purposes; or,

3. Wilfully removes any such notice,
Is guilty of a misdemeanor.

[Penal Code § 640c, added by L. 1893, Ch. 692, § 2.]

[REFERENCES FOR OTHER SUBJECTS:

Ice: Bridges, Saint Lawrence river, *see* Public Safety, § 1904.

Canal, *see* Public Health, § 1748.

Injury to, *see* Malicious Mischief, § 1425.

Protection of cuttings and openings, *see* Public Safety, § 1904.

[REFERENCES FOR OTHER SUBJECTS — *Continued*:

Idiots, *see* Incompetent Persons.

Illiteracy; person not able to read not to be employed as engineer, *see* Railroads, § 1982.

Ill-fame; house of, definition, *see* Construction of Terms, § 3.

Illuminating oils, *see* Oils.

Imbecile persons, *see* Incompetent Persons.

Imprisonment, *see* Sentence.]

ARTICLE 102

Incest

Section 1110. Incest.

§ 1110. Incest. When persons, within the degrees of consanguinity, within which marriages are declared by law to be incestuous and void, intermarry or commit adultery or fornication with each other, each of them is punishable by imprisonment for not more than ten years.

[Penal Code § 302.]

ARTICLE 104

Incompetent Persons

Section 1120. Irresponsibility of idiot or lunatic.

1121. *Unlawful confinement of idiots, lunatics and insane persons.*

1122. *Maintaining private insane asylums.*

§ 1120. Irresponsibility of idiot or lunatic. An act done by a person who is an idiot, imbecile, lunatic or insane is not a crime. A person can not be tried, sentenced to any punishment or punished for a crime while he is in a state of idiocy, imbecility, lunacy or insanity so as to be incapable of understanding the proceeding or making his defense.

A person is not excused from criminal liability as an idiot, imbecile, lunatic, or insane person, except upon proof that, at the time of committing the alleged criminal act, he was laboring under such a defect of reason as [either]:

1. Not to know the nature and quality of the act he was doing; or,

2. Not to know that the act was wrong.

[Penal Code §§ 20, 21, as amended by L. 1882, Ch. 384, § 1.]

§ 1121. Unlawful confinement of idiots, lunatics and insane persons. A person, who confines an idiot, lunatic or insane person, in any other manner or in any other place than as authorized by law, and a person guilty of harsh, cruel or unkind treatment of, or any neglect of duty towards, any idiot, lunatic or insane person under confinement, whether lawfully or unlawfully confined, is guilty of a misdemeanor.

[Penal Code § 377.]

§ 1122. Maintaining private insane asylums. A person who conducts or maintains a private insane asylum, or institution for the care or treatment of persons of unsound mind, without a license issued and granted to such person according to law, is guilty of a misdemeanor.

[Penal Code § 445.]

[REFERENCES FOR OTHER SUBJECTS:

Incompetent persons; marriage of, *see* Marriage, § 1450.]

ARTICLE 106

Indecency

Section 1140. Exposure of person.

1141. *Obscene prints and articles.*

1142. *Indecent articles.*

1143. *Mailing or carrying obscene prints and articles.*

1144. *Warrant to sheriff to search.*

1145. *Physicians' instruments.*

1146. *Keeping disorderly houses.*

1147. *Who may arrest persons violating provisions of this article.*

§ 1140. Exposure of person. A person who wilfully and lewdly exposes his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another so to expose himself, is guilty of a misdemeanor.

[Penal Code § 316.]

§ 1141. Obscene prints and articles. 1. A person who sells, lends, gives away or shows, or offers to sell, lend, give away, or show, or has in his possession with intent to sell, lend or give away, or to show, or advertises in any manner, or

who otherwise offers for loan, gift, sale or distribution, any obscene, lewd, lascivious, filthy, indecent or disgusting book, magazine, pamphlet, newspaper, story paper, writing, paper, picture, drawing, photograph, figure or image, or any written or printed matter of an indecent character; or any article or instrument of indecent or immoral use, or purporting to be for indecent or immoral use or purpose, or who designs, copies, draws, photographs, prints, utters, publishes, or in any manner manufactures, or prepares any such book, picture, drawing, magazine, pamphlet, newspaper, story paper, writing, paper, figure, image, matter, article or thing, or who writes, prints, publishes, or utters, or causes to be written, printed, published, or uttered, any advertisement or notice of any kind, giving information, directly or indirectly, stating, or purporting so to do, where, how, of whom, or by what means any, or what purports to be any, obscene, lewd, lascivious, filthy, disgusting or indecent book, picture, writing, paper, figure, image, matter, article or thing, named in this section can be purchased, obtained or had or who has in his possession, any slot machine or other mechanical contrivance with moving pictures of nude or partly denuded female figures which pictures are lewd, obscene, indecent or immoral, or other lewd, obscene, indecent or immoral drawing, image, article or object, or who shows, advertises or exhibits the same, or causes the same to be shown, advertised, or exhibited, or who buys, owns or holds any such machine with the intent to show, advertise or in any manner exhibit the same; or who,

2. Prints, utters, publishes, sells, lends, gives away or shows, or has in his possession with intent to sell, lend, give away or show, or otherwise offers for sale, loan, gift or distribution, any book, pamphlet, magazine, newspaper or other printed paper devoted to the publication, and principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures, or stories of deeds of bloodshed, lust or crime; or who,

3. In any manner, hires, employs, uses or permits any minor or child to do or assist in doing any act or thing mentioned in this section, or any of them,

Is guilty of a misdemeanor, and, upon conviction, shall be sentenced to not less than ten days [or] nor more than one year imprisonment or be fined not less than fifty dollars nor more than one thousand dollars or both fine and imprisonment for each offense.

[Penal Code § 317, as amended by L. 1884, Ch. 380, § 1; L. 1887, Ch. 692, § 1; subd. 1, as amended by L. 1900, Ch. 731, § 1.]

§ 1142. Indecent articles. A person who sells, lends, gives away, or in any manner exhibits or offers to sell, lend or give away, or has in his possession with intent to sell, lend or give away, or advertises, or offers for sale, loan or distribution, any instrument or article, or any recipe, drug or medicine for the prevention of conception, or for causing unlawful abortion, or purporting to be for the prevention of conception, or for causing unlawful abortion, or advertises, or holds out representations that it can be so used or applied, or any such description as will be calculated to lead another to so use or apply any such article, recipe, drug, medicine or instrument, or who writes or prints, or causes to be written or printed, a card, circular, pamphlet, advertisement or notice of any kind, or gives information orally, stating when, where, how, of whom, or by what means such an instrument, article, recipe, drug or medicine can be purchased or obtained, or who manufactures any such instrument, article, recipe, drug or medicine, is guilty of a misdemeanor, and shall be liable to the same penalties as provided in section [three hundred and seventeen] eleven hundred and forty-one of this [code] article.

[Penal Code § 318, as amended by L. 1887, Ch. 692, § 2.]

§ 1143. Mailing or carrying obscene prints and articles. A person who deposits, or causes to be deposited, in any post-office within the state, or places in charge of an express company, or of a common carrier, or other person, for transportation, any of the articles or things specified in the last two sections, or any circular, book, pamphlet, advertisement, or notice relating thereto, with the intent of having the same conveyed by mail or express, or in any other manner, or who knowingly or wilfully receives the same, with intent to carry or convey, or knowingly or wilfully carries or conveys the same, by express, or in any other manner except in the United States mail, is guilty of a misdemeanor.

[Penal Code § 319.]

[See note 59] **§ 1144. Warrant to sheriff to search.** A magistrate having jurisdiction to issue warrants in criminal cases, upon complaint that any person within his jurisdiction is offending against the provisions of this [chapter] article, supported by oath or affirmation, must issue a warrant, directed to the sheriff or to any constable, marshal, or police officer within the county, directing him to search for, seize, and take possession of any of the articles specified in this [chapter] article, in the posses-

sion of the person against whom complaint is made. The magistrate must immediately transmit every article seized by virtue of the warrant, to the district attorney of the county, who must, upon the conviction of the person from whose possession the same was taken, cause it to be destroyed, and the fact of such destruction to be entered upon the records of the court in which the conviction is had.

[Penal Code § 320.]

§ 1145. Physicians' instruments. An article or instru-^[See note 60]ment, used or applied by physicians lawfully practicing, or by their direction or prescription, for the cure or prevention of disease, is not an article of indecent or immoral nature or use, within this [chapter] article. The supplying of such articles to such physicians or by their direction^[.] or prescription, is not an offense under this [chapter] article.

[Penal Code § 321.]

§ 1146. Keeping disorderly houses. A person who keeps a house of ill-fame or assignation of any description, or a house or place for persons to visit for unlawful sexual intercourse, or for any lewd, obscene or indecent purpose, or disorderly house, or a house commonly known as a stale beer dive, or any place of public resort by which the peace, comfort, or decency of a neighborhood is habitually disturbed, or who requests, advises or procures any female to become an inmate of any such house or place, or who as agent or owner, lets a building or any portion of a building, knowing that it is intended to be used for any purpose specified in this section, or who permits a building or a portion of a building to be so used, is guilty of a misdemeanor. This section shall be construed to apply to any part or parts of a house used for any of the purposes herein specified.

[Penal Code § 322, as amended by L. 1887, Ch. 690, § 1; L. 1905, Ch. 270, § 1.]

§ 1147. Who may arrest persons violating provisions of this article. Any agent of the New York society for the suppression of vice, upon being designated thereto by the sheriff of any county in this state, may within such county make arrests and bring before any court or magistrate thereof having jurisdiction, offenders found violating the provisions of any law for the suppression of the trade in, and circulation of obscene lit-

erature and illustrations, advertisements and articles of indecent and immoral use, as it is or may be forbidden by the laws of this state, or of the United States.

[L. 1875, Ch. 205.]

[REFERENCES FOR OTHER SUBJECTS:

Indecency; acts for which no punishment is expressly provided, *see* General Provisions, § 43.

Indecent exposure, *see* Indecency.

Indeterminate sentences to state prison, *see* Sentence, §§ 2189, 2195.]

ARTICLE 108

Indians

Section 1160. Trespasses on Indian land.

1161. Trespasses on Onondaga reservation.

§ 1160. Trespasses on Indian land. A person who cuts, removes, causes to be removed or aids or assists in removing from the Allegany, Cattaraugus, Tonawanda or Onondaga reservations any wood, trees, timber, bark or poles, except as authorized by law, is guilty of a misdemeanor.

[Penal Code § 640a, added by L. 1893, Ch. 692, § 2.]

§ 1161. Trespasses on Onondaga reservation. A person, other than an Onondaga Indian, who cuts or removes from the Onondaga reservation any tree, timber, wood, bark or poles; or an Indian who cuts for the purpose of sale or removal from such reservation, or who removes, causes to be removed or aids in the removal from such reservation of any tree, timber, wood, bark or poles, except on the written permission of a majority of the chiefs of the Onondaga tribe, particularly specifying the quantity and kind of trees, timber, wood, bark or poles to be cut or removed, is guilty of a misdemeanor.

[Penal Code § 640b, added by L. 1893, Ch. 692, § 2.]

[REFERENCES FOR OTHER SUBJECTS:

Indian lands, *see* Real Property, § 2030.

Inn, *see* Hotels.

Insane persons, *see* Incompetent Persons.

Insignia; unlawful wearing, *see* Societies and Orders, § 2240.]

ARTICLE 110

Insolvency

Section 1170. Fraudulent conveyances of property.

1171. Fraudulent removal of property to prevent levy.

1172. Knowingly receiving property removed to defraud creditors.

1173. Concealment of effects of insolvent debtor.

§ 1170. Fraudulent conveyances of property. A person who [either]:

1. Becomes a party to a conveyance or assignment of real or personal property, or of an interest therein, with intent to defraud prior or subsequent purchasers, or to hinder, delay, or defraud creditors or other persons; or,

2. Being a party or privy to, or knowing of, such a conveyance or assignment so made, wilfully puts the same in use as having been made in good faith,

Is guilty of a misdemeanor.

[Penal Code § 586.]

§ 1171. Fraudulent removal of property to prevent levy. A person who with intent to defraud a creditor, or to prevent any of his property from being made liable for the payment of any of his debts, or levied upon by an execution or warrant of attachment, removes any of his property or secretes, assigns, conveys or otherwise disposes of the same; or with intent to defraud a creditor, removes, secretes, assigns, conveys or otherwise disposes of any of his books of account, accounts, vouchers or writings in any way relating to his business affairs, or destroys, obliterates, alters or erases any of such books of account, accounts, vouchers or writings, or any entry, memorandum or minute therein contained, is guilty of a misdemeanor.

[Penal Code § 587, as amended by L. 1893, Ch. 681, § 1.]

§ 1172. Knowingly receiving property removed to defraud creditors. A person who receives any property from another knowing that the same is transferred or delivered to him in violation of, or with intent to violate, the last section, is guilty of a misdemeanor.

[Penal Code § 588.]

§ 1173. Concealment of effects of insolvent debtor.

A person who being an applicant, as an insolvent debtor, for a discharge from his debts, or for exoneration or discharge from imprisonment, or having made a general assignment of his property for the payment of his debts, wilfully [either]:

1. Conceals any part of his estate or effects, or any book, account, or other writing relative thereto; or,

2. Omits to disclose, to the court before which his application is pending, any debt or demand which he has collected, or any transfer of property which he has made, since the presentation of his application; or,

3. Fraudulently presents, or authorizes to be presented in his behalf, such an application, in a case where it is not authorized by law; or,

4. Makes or presents to the court or officer in support of such an application, a petition, schedule, book, account, voucher, or other paper or document, knowing the same to contain a false statement; or,

5. Fraudulently makes and exhibits, or alters, obliterates, or destroys an account or voucher, relating to the condition of his affairs, or an entry or statement in such an account or voucher; or,

6. Commits any fraud upon a creditor, to induce him to petition for, or consent to such a discharge; or,

7. Conspires with, or induces another fraudulently to consent as creditor to a petition for such discharge, or to practice any fraud in aid thereof,

Is guilty of a misdemeanor.

[Penal Code § 589.]

ARTICLE 112**Insurance**

Section 1190. False statements in applications for membership in fraternal benefit associations.

1191. *Discriminations and rebates by life insurance corporations prohibited.*

1192. *Acting as agent of life insurance corporation without certificate of authority.*

1193. *Fire insurance corporations to use standard policy only.*

1194. *Over-charges by marine insurance agents.*

1195. *Misconduct of officers and agents of corporations for the insurance of domestic animals.*

Section 1196. Transfers to and reinsurance of risks in unauthorized foreign corporations prohibited to co-operative associations.

1197. *Misconduct of officers and agents of co-operative insurance companies.*

1198. *Acts of agents of fire or marine insurance corporation, organized in other countries, after revocation of certificate.*

1199. *Acting for foreign insurance corporation which has not designated superintendent of insurance as attorney.*

1200. *Receiving rebates on life insurance; privileges of witnesses in investigations relating thereto.*

1201. *Destroying property insured.*

1202. *Presenting false proofs of loss in support of claim upon policy of insurance.*

§ 1190. False statements in applications for membership in fraternal benefit associations. Any applicant, officer, agent, solicitor, examining physician, surgeon or other person, who knowingly or wilfully makes any false or fraudulent statements or representations in or with reference to any application for membership or reinstatement or any other documentary or other proof for the purpose of obtaining or reinstating membership in or benefit from any fraternal beneficiary society, order or association, any corporation, association or society transacting the business of life or casualty insurance or both, upon the co-operative or assessment plan, or a corporation for the insurance of domestic animals, is guilty of a misdemeanor.

[Penal Code § 577a, added by L. 1892, Ch. 692, § 1, and amended by L. 1893, Ch. 692, § 1.]

§ 1191. Discriminations and rebates by life insurance corporations prohibited. Any life insurance corporation doing business in this state, or any officer or agent thereof, who:

1. Makes any discrimination in favor of individuals of the same class or of the same expectation of life either in the amount of the premium charged or in any return of premiums, dividends or other advantages; or,

2. Makes any contract for insurance or agreement as to such contract other than that which is plainly expressed in the policy issued; or,

3. Pays or allows, or offers to pay or allow as an inducement to any person to insure, any rebate or premium, or any special

favor or advantage whatever, in the dividends to accrue thereon or any inducement whatever not specified in the policy; or,

4. Makes any distinction or discrimination between white persons and colored persons, wholly or partially of African descent, as to the premiums or rates charged for policies upon the lives of such persons, or in any other manner whatever; or demands or requires a greater premium from such colored persons than is at that time required by such company from white persons of the same age, sex, general condition of health and prospect of longevity; or makes or requires any rebate, diminution or discount upon the amount to be paid on such policy in case of the death of such colored persons insured, or inserts in the policy any condition, or makes any stipulation whereby such person insured shall bind himself, or his heirs, executors, administrators and assigns to accept any sum less than the full value or amount of such policy in case of a claim accruing thereon by reason of the death of such person insured, other than such as are imposed upon white persons in similar cases,

Is guilty of a misdemeanor.

[Penal Code § 577b, added by L. 1892, Ch. 692, § 1.]

§ 1192. Acting as agent of life insurance corporation without certificate of authority. Any person acting as agent, subagent or broker of a life insurance corporation doing business in this state, except as agent operating solely on the weekly payment plan of insurance, who solicits or procures applications for insurance without first procuring a certificate of authority from the superintendent of insurance, is guilty of a misdemeanor.

[Penal Code § 577c, added by L. 1892, Ch. 692, § 1.]

§ 1193. Fire insurance corporations to use standard policy only. Any fire insurance corporation, or any officer or agent thereof, who makes, issues, delivers, or offers to deliver any policy of insurance on property in this state, which does not conform in all particulars as to blanks, size of type, context, provisions, agreements and conditions with the printed form **[or] of contract [of] or** policy filed in the office of the secretary of state, known and designated as the "Standard fire insurance policy of the state of New York," except as to such exceptions as are specifically provided and allowed by law, is guilty of a misdemeanor, punishable by a fine of not less than twenty-five nor more than one hundred dollars for the first offense, and of not less than one hundred or more than two hundred and fifty dollars for each subsequent offense.

[Penal Code § 577d, added by L. 1892, Ch. 692, § 1.]

§ 1194. Over-charges by marine insurance agents.

Any agent, shipper or other person, representing or acting for a marine insurance corporation doing business in this state who:

1. Charges or receives, directly or indirectly from any person for insurance of any property in transit upon the canals of the state, any greater sum than the regular rates of premium fixed by the corporation for the insurance of such property; or,

2. Demands or receives upon any policy of insurance issued upon any such property, for the business of obtaining such insurance, a sum of money, as compensation or remuneration by way of salary, commission or in any other capacity, which includes in any case, over fifteen per centum of the premium,

Is guilty of a misdemeanor.

[Penal Code § 577e, added by L. 1892, Ch. 692, § 1.]

§ 1195. Misconduct of officers and agents of corporations for the insurance of domestic animals.

Any officer or agent of a corporation organized for the insurance of domestic animals who:

1. Refuses to make any report or perform any duty required by law; or,

2. Intentionally makes any false or fraudulent statement or report,

Is guilty of a misdemeanor punishable by a fine of not less than one hundred or more than five hundred dollars.

[Penal Code § 577f, added by L. 1892, Ch. 692, § 1.]

§ 1196. Transfers to and reinsurance of risks in unauthorized foreign corporations prohibited to co-operative associations.

Any officer, manager, director or agent of a casualty insurance corporation upon the co-operative or assessment plan, organized under the laws of this state, who transfers its risks or assets or any part thereof to or reinsures its risks or any part thereof, in any insurance corporation or association of another state or country which is not, at the time of such transfer or reinsurance authorized by law to do insurance business in this state, is guilty of a misdemeanor.

[Penal Code § 577g, added by L. 1892, Ch. 692, § 1.]

§ 1197. Misconduct of officers and agents of co-operative insurance companies. Any officer, agent or representative of a corporation, association, or society doing a life or casualty insurance business or both, upon the co-operative or assessment plan, who:

1. Neglects or refuses to perform any duty required of him by law; or,

2. Intentionally makes any false or fraudulent statement or report; or,

3. Refuses to permit the superintendent of insurance or any examiner duly authorized by him for the purpose, to make an examination of the condition and business, books, papers and vouchers of any such corporation, association or society; or,

4. Thirty days after any such corporation has been notified by the superintendent of insurance to designate some person residing in the same city, village or town where the principal business office within the state of such corporation is located, as a person upon whom service of legal process and papers may be made, as provided by law, collects any money or issues any certificate in carrying on such business, during the failure of such corporation to designate such person; or,

5. Being within this state the agent or representative of any such corporation, association or society, which has neglected or refused to comply with any duty imposed upon it by law, or which has failed or neglected to procure from the superintendent of insurance the certificate of authority to transact business within this state as provided by law, acts as such agent, during such period of default,

Is guilty of a misdemeanor.

[Penal Code § 577h, added by L. 1892, Ch. 692, § 1.]

§ 1198. Acts of agents of fire or marine insurance corporation, organized in other countries, after revocation of certificate. Any agent of a fire or marine insurance corporation, incorporated by or existing under the government or laws of another country than the United States, and doing business in this state, who issues any new policy of insurance after having been notified by the superintendent of insurance that the certificate of such corporation to do business within this state has been revoked, is guilty of a misdemeanor.

[Penal Code § 577i, added by L. 1892, Ch. 692, § 1.]

§ 1199. Acting for foreign insurance corporation which has not designated superintendent of insurance as attorney. Any person acting for himself or for others not having been specially licensed, as provided by law, by the superintendent of insurance, who solicits or procures, or aids in the solicitation or procurement of policies or certificates of insurance from, or adjusts losses or in any manner aids the transaction of any business for, any foreign insurance corporation,

which has not executed and filed in the office of the superintendent of insurance, a written appointment of the superintendent to be the true and lawful attorney of such corporation in and for this state, upon whom all lawful process in any action or proceeding against the corporation may be served, is guilty of a misdemeanor.

[Penal Code § 577j, added by L. 1892, Ch. 692, § 1.]

§ 1200. Receiving rebates on life insurance; privileges of witnesses in investigations relating thereto.

Any person knowingly receiving any rebate or allowance or deduction from any premium, or any valuable thing, special favor or advantage whatever, as an inducement to take any policy of life insurance, not specified in the policy is guilty of a misdemeanor.

No person shall be excused from attending and testifying, or producing any books, papers or other documents before any court or magistrate, upon any investigation, proceeding or trial, for a violation of any of the provisions of this section, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime or to subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding.

[Penal Code § 577k, added by L. 1906, Ch. 231, § 1, and amended by L. 1907, Ch. 741, § 1.]

§ 1201. Destroying property insured. A person who, with intent to defraud or prejudice the insurer thereof, wilfully burns, or in any manner injures or destroys property not included or described in section [five hundred and seventy-five] fifteen hundred and six, which is insured at the time against loss or damage by fire or by any other casualty, under such circumstances that the offense is not arson in any of its degrees, is punishable by imprisonment for not more than five years, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment.

[Penal Code § 578.]

§ 1202. Presenting false proofs of loss in support of claim upon policy of insurance. A person who knowing it to be such [either]:

1. Presents, or causes to be presented, a false or fraudulent claim, or any proof in support of such a claim, for the payment of a loss upon a contract of insurance; or,

2. Prepares, makes or subscribes a false or fraudulent account, certificate, affidavit or proof of loss, or other document or writing, with intent that the same may be presented or used in support of such a claim,

Is punishable by imprisonment for not more than five years, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment.

[Penal Code § 579, as amended by L. 1882, Ch. 384, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Insurance; of lottery ticket, *see* Lotteries, § 1378.

Intent to defraud, *see* Frauds and Cheats, § 921.

Interest, *see* Usury.]

ARTICLE 114

Intoxication

Section 1220. Intoxication as a defense.

1221. Intoxication in a public place.

§ 1220. Intoxication as a defense. No act committed by a person while in a state of voluntary intoxication, shall be deemed less criminal by reason of his having been in such condition. But whenever the actual existence of any particular purpose, motive or intent is a necessary element to constitute a particular species or degree of crime, the jury may take into consideration the fact that the accused was intoxicated at the time, in determining the purpose, motive or intent with which he committed the act.

[Penal Code § 22.]

§ 1221. Intoxication in a public place. Any person intoxicated in a public place is guilty of a misdemeanor, and may be arrested without warrant while so intoxicated, and shall be punished by a fine of not less than three nor more than ten dollars, or by imprisonment not exceeding six months or by both such fine and imprisonment.

[Liquor Tax Law, L. 1896, Ch. 112, § 40, pt., as amended by L. 1897, Ch. 312, § 28. For remainder of section, *see* § 1912.]

[REFERENCES FOR OTHER SUBJECTS:

Intoxication: Employment by common carrier of person addicted to, *see* Public Safety, § 1913.

Physician, act resulting in death, *see* Homicide, § 1052.

Physician, acts of, *see* Public Health, § 1761.

Railroad and steamboat employees, *see* Railroads, § 1984.

Intrusion into public office, *see* Public Offices and Officers, § 1835.]

ARTICLE 116**Juries and Jurors**

[See note 61]

Section 1230. Definition of juror.

1231. *Misconduct of officers at drawing of jurors and the formation of a jury.*

1232. *False certificate as to jurors in New York city or Kings county.*

1233. *False swearing perjury in New York county.*

1234. *Misconduct as to trial jurors in Kings county.*

1235. *Misconduct by trial jurors in New York county.*

1236. *Punishment for giving false information as to juror or suppressing notice to attend, in Kings county.*

1237. *Grand juror acting after challenge has been allowed.*

§ 1230. Definition of juror. The word "juror" as used in **[this chapter]** section twelve hundred and thirty-one of this article, includes a talesman, and extends to jurors in all courts, whether of record or not of record, and in special proceedings, and before any officer authorized to impanel a jury in any case or proceeding. [See note 62]

[Penal Code § 81.]

§ 1231. Misconduct of officers at drawing of jurors and the formation of a jury. A person authorized by law to assist at the drawing or impaneling of grand or trial jurors to attend a court, or a term of a court, or to try any cause or issue, or to assist in the formation of a jury, who **[either]**:

1. Designedly puts, or consents to the putting, upon a list of jurors as having been drawn, any name which was not lawfully drawn for that purpose; or,

2. Designedly omits to place on such a list any name which was lawfully drawn; or,

3. Designedly signs or certifies a list of such jurors as having been drawn which was not lawfully drawn; or,

4. Designedly withdraws from the box, or other receptacle for the ballots containing the names of such jurors, any paper or ballot lawfully placed or belonging there and containing the name of a juror, or omits to place in such box or receptacle any name lawfully drawn or designated, or places in such box or receptacle a paper or ballot containing the name of a person not lawfully drawn and designated as a juror; or,

5. In the drawing of such jurors, does any act which is unfair, partial or improper in any other respect; or,

6. [Who] Violates any of the provisions of sections eleven hundred and sixty-three, eleven hundred and sixty-four, or eleven hundred and sixty-five of the code of civil procedure,

Is guilty of a misdemeanor.

[Penal Code § 76, as amended by L. 1905, Ch. 692, § 1.]

§ 1232. False certificate as to jurors in New York city or Kings county. A physician, who knowingly gives a false certificate, or makes a false representation, for the purpose of enabling or assisting a person, to be discharged, excused or exempted from service, as a trial juror in the city and county of New York, or in the county of Kings, is guilty of a misdemeanor.

[Code Civil Procedure §§ 1120, 1161.]

§ 1233. False swearing, perjury in New York county. In New York county a person, who swears falsely in an affidavit, or testifies falsely upon an inquiry, made as prescribed in [this] article seventeen of the judiciary law, is guilty of perjury, in a case where falsely swearing, in an affidavit, used upon a motion in a civil action, or falsely testifying, upon the trial of an issue of fact in such an action, would constitute that crime.

[Code Civil Procedure § 1125.]

§ 1234. Misconduct as to trial jurors in Kings county. If the commissioner of jurors in Kings county, or either of his assistants, or a clerk or other person, employed by him, corruptly and without sufficient cause, omits the name of a

person, duly drawn, from a panel of trial jurors, or the ballot, containing the name of such a person, from either of the boxes prescribed in [this] article eighteen of the judiciary law; or, directly or indirectly, receives a fee, reward, compensation, or advantage, in consideration of, or as an inducement to such an omission; he is guilty of a felony, and shall, on conviction, be punished by imprisonment in a state prison, for a term not less than two, nor more than five years.

A wilful omission, by the commissioner of jurors in Kings county, of a duty required of him by [this] article eighteen of the judiciary law, other than that specified in [the last] this section, is a misdemeanor.

[Code Civil Procedure §§ 1158, 1159.]

§ 1235. Misconduct by trial jurors in New York county.

1. A person who gives, pays, promises, or offers, money, or any other thing, to the commissioner of jurors, the sheriff, the county clerk, or other clerk of a court; or to the deputy of, or a person employed by, the county clerk or other clerk of a court; or to an officer, messenger, or other person, employed by the sheriff, or the commissioner of jurors; for the purpose of enabling or assisting himself, or any other person, named or drawn as a trial juror, to evade, or to be discharged, exempted, or excused from service; or who knowingly makes a false statement or representation, to a judge, the commissioner of jurors, or a member of the board of enforcement of jury fines, for such a purpose; or who knowingly retains, conceals, suppresses, or wilfully destroys, a notice to attend, before the commissioner of jurors, or at a term of a court, or any other paper, relating to the liability to serve, or service, as a trial juror, left at the residence or place of business of another, who has been named or drawn as a trial juror, is guilty of a misdemeanor. The district attorney must prosecute for each offense, specified in this [or the next two] section[s], which comes to his knowledge.

2. In New York county any person who takes money, or any other thing, as a gift, bribe, or payment, for the purpose of enabling or assisting a person, named or drawn as a trial juror, to evade, or to be discharged, exempted or excused from jury duty; or who wilfully and knowingly prevents or hinders the execution of any provision of [this] article seventeen of the judiciary law, is guilty of a misdemeanor.

3. A person, named or drawn as a trial juror in New York county, to whom an offer or suggestion to procure his discharge, exemption, or excuse from jury duty, for or in consideration of a corrupt inducement or reward, is made by any person, and who fails, within twenty-four hours thereafter, to inform the commissioner of jurors thereof, is guilty of a misdemeanor.

[Code Civil Procedure §§ 1122, 1123, 1124.]

§ 1236. Punishment for giving false information as to juror or suppressing notice to attend, in Kings county. A person, to whom application is made, within the county of Kings, by an assessor, or by the commissioner of jurors, or either of his assistants, for information, as to a fact, upon which the liability of himself, or any other person, to serve as a trial juror, depends, and who refuses to give information relating thereto, which he can give, or knowingly gives false information relating thereto; or a person who knowingly makes to an assessor, or to the commissioner of jurors, or a person acting by his authority, a false representation as to the identity, residence, or any other matter, relating to a juror, duly drawn, and placed on a panel to be notified; or who knowingly retains, conceals, suppresses, or wilfully destroys, a notice to attend, left at the residence or place of business of another, who has been drawn as a trial juror, is guilty of a misdemeanor.

[Code Civil Procedure § 1160.]

§ 1237. Grand juror acting after challenge has been allowed. A grand juror who, with knowledge that a challenge, interposed against him by a defendant, has been allowed, is present at or takes part or attempts to take part in the

consideration of the charge against the defendant who interposed the challenge, or the deliberations of the grand jury thereon, is guilty of a misdemeanor.

[Penal Code § 144.]

[REFERENCES FOR OTHER SUBJECTS:

Juries and jurors: *See also* Bribery and Corruption.

Disclosure of grand jury deposition and indictment, *see* Public Justice, §§ 1781, 1782, 1784.

Justice; hindering, *see* Public Offices and Officers, § 1839.

Justice of the peace; buying demands to bring suit thereon, *see* Public Offices and Officers, §§ 1852-1856.]

ARTICLE 118

Kidnapping

Section 1250. Kidnapping defined.

1251. *Indictment for kidnapping, where triable.*

1252. *Consent of kidnapped person.*

1253. *Selling services of person kidnapped.*

1254. *Removing from this state persons held to service in another state.*

1255. *Penalty imposed on judicial officers.*

§ 1250. Kidnapping defined. A person who wilfully:

1. Seizes, confines, inveigles, or kidnaps another, with intent to cause him, without authority of law, to be secretly confined or imprisoned within this state, or to be sent out of the state, or to be sold as a slave, or in any way held to service or kept or detained, against his will; or,

2. Leads, takes, entices away, or detains a child under the age of sixteen years, with intent to keep or conceal it from its parents, guardian, or other person having the lawful care or control thereof, or to extort or obtain money or reward for the return or disposition of the child, or with intent to steal any article about or on the person of the child; or,

3. Abducts, entices, or by force or fraud unlawfully takes, or carries away another, at or from a place without the state, or procures, advises, aids or abets such an abduction, enticing, taking, or carrying away, and afterwards sends, brings, has or keeps such person, or causes him to be kept or secreted within this state,

Is guilty of kidnapping, and is punishable by imprisonment for not more than twenty-five years.

[Penal Code § 211; subd. 2, as amended by L. 1888, Ch. 145, § 3; subd. 3, as amended by L. 1907, Ch. 683, § 1.]

§ 1251. Indictment for kidnapping, where triable.

An indictment for kidnapping may be tried either in the county in which the offense was committed, or in any county through or in which the person kidnapped or confined was taken or kept, while under confinement or restraint.

[Penal Code § 212.]

§ 1252. Consent of kidnapped person. Upon a trial for a violation of this [chapter] article, the consent thereto of the person kidnapped or confined shall not be a defense, unless it appear satisfactorily to the jury that such person was above the age of twelve years, and that the consent was not extorted by threats or duress.

[Penal Code § 213.]

§ 1253. Selling services of person kidnapped. A person who, within this state or elsewhere, sells or in any manner transfers, for any term, the services or labor of any person who has been forcibly taken, inveigled, or kidnapped in or from this state, is punishable by imprisonment in a state prison not exceeding ten years.

[Penal Code § 214.]

§ 1254. Removing from this state persons held to service in another state. A person claiming that he or another is entitled to the services of a person alleged to be held to labor or service in a state or territory of the United States who, except as authorized by special statute, takes, or removes, or wilfully does any act tending towards removing from this state any such person, is guilty of felony, punishable by imprisonment in the state prison not exceeding ten years, and by a penalty of five hundred dollars, recoverable in a civil action by the party aggrieved.

[Penal Code § 215.]

§ 1255. Penalty imposed on judicial officers. A judge, or other public officer of this state who grants or issues any warrant, certificate or other process, in any proceeding for the removal from this state of any person claimed as held to labor or service in a state or territory of the United States, except in pursuance of the statutes of this state, is guilty of a misdemeanor; and in addition to the punishment therefor prescribed by law,

he forfeits five hundred dollars to the party aggrieved, recoverable in a civil action.

[Penal Code § 216.]

[REFERENCES FOR OTHER SUBJECTS:

Knowingly; definition of, *see* Construction of Terms, § 3.]

ARTICLE 120

Labor

Section 1270. Refusal to admit inspector to mines, tunnels, and quarries; failure to comply with requirements of inspector.

1271. *Hours of labor to be required.*

1272. *Payment of wages.*

1273. *Failure to furnish seats for female employees.*

1274. *No fees to be charged for services rendered by free public employment bureaus.*

1275. *Violations of provisions of labor law.*

1276. *Negligently furnishing insecure scaffolding.*

1277. *Neglect to complete or plank floors of buildings constructed in cities.*

1278. *Fraudulent representation in labor organizations.*

§ 1270. Refusal to admit inspector to mines, tunnels, and quarries; failure to comply with requirements of inspector. A person:

1. Refusing to admit the commissioner of labor, or any person authorized by him, to a mine, tunnel or quarry, and to each and every part thereof, for the purpose of examination and inspection; or,

2. Neglecting or refusing to comply with the provisions of article nine of the labor law upon written notice of the commissioner of labor,

Is guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not less than fifty dollars, or by imprisonment for not less than thirty days.

[Penal Code § 384g, added by L. 1897, Ch. 416, § 3, and amended by L. 1906, Ch. 521, § 1.]

§ 1271. Hours of labor to be required. Any person[*See note 63*] or corporation:

1. Who, contracting with the state or a municipal corporation, shall require more than eight hours work for a day's labor; or,

2. Who shall require more than ten hours labor, including one-half hour for dinner, to be performed within twelve consecutive hours, by the employees of a street surface and elevated railway owned or operated by corporations whose main line of travel or routes lie principally within the corporate limits of cities of more than one hundred thousand inhabitants; or,

3. Who shall require the employees of a corporation owning or operating a brickyard to work contrary to the requirements of section [six] five of the labor law; or,

4. Who shall require the employees of a corporation operating a line of railroad of thirty miles in length or over, in whole or in part within this state contrary to the requirements of article [one] two of the labor law,

Is guilty of a misdemeanor, and on conviction therefor shall be punished by a fine of not less than five hundred nor more than one thousand dollars for each offense.

If any contractor with the state or a municipal corporation shall require more than eight hours for a day's labor, upon conviction therefor in addition to such fine, the contract shall be forfeited at the option of the municipal corporation.

[Penal Code § 384h, added by L. 1897, Ch. 416, § 3, and amended by L. 1907, Ch. 506, § 1.]

[See note 64] **§ 1272. Payment of wages.** A corporation or joint-stock association or a person carrying on the business thereof, by lease or otherwise, who does not pay the wages of its employees in cash, weekly or monthly as provided in article [one] two of the labor law, is guilty of a misdemeanor, and upon conviction therefor, shall be fined not less than twenty-five nor more than fifty dollars for each offense.

[Penal Code § 384i, added by L. 1897, Ch. 416, § 3.]

§ 1273. Failure to furnish seats for female employees. Any person employing females in a factory or mercantile establishment who does not provide and maintain suitable seats for the use of such employees and permit the use thereof by such employees to such an extent as may be reasonable for the preservation of their health, is guilty of a misdemeanor.

[Penal Code § 384j, added by L. 1897, Ch. 416, § 3.]

§ 1274. No fees to be charged for services rendered by free public employment bureaus. A person connected with or employed in a free public employment bureau, who shall

charge or receive directly or indirectly, any fee or compensation from any person applying to such bureau for help or employment, is guilty of a misdemeanor.

[Penal Code § 384k, added by L. 1897, Ch. 416, § 3.]

§ 1275. Violations of provisions of labor law. Any^[See note 65] person who violates or does not comply with:

1. The provisions of article **[two]** three of the labor law, relating to the department of labor;

2. The provisions of article **[three]** four of the labor law, relating to the bureau of labor statistics;

3. The provisions of article five of the labor law, relating to the bureau of factory inspection;

4. The provisions of article six of the labor law, relating to factories;

5. The provisions of article seven of the labor law, relating to the manufacture of articles in tenements;

6. The provisions of article eight of the labor law, relating to bakeries and **[confectionery establishments]** confectioneries;

7. The provisions of article eleven of the labor law, relating to mercantile establishments, and the employment of women and children therein;

8. And any person who knowingly makes a false statement in or in relation to any application made for an employment certificate as to any matter required by articles six and eleven of the labor law to appear in any affidavit, record, transcript or certificate therein provided for,

Is guilty of a misdemeanor and upon conviction shall be punished for a first offense by a fine of not less than twenty nor more than fifty dollars; for a second offense by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a third offense by a fine of not less than two hundred and fifty dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

[Penal Code § 384l, added by L. 1897, Ch. 416, § 3, and amended by L. 1903, Ch. 380, § 1; L. 1907, Ch. 506, § 2.]

[§ 384m. Illegal practice of horseshoeing. A per^[See note 66]son who presents to a county clerk, for the purpose of registration, a certificate purporting to qualify him to practice horseshoeing in a city of the first or second class, which has been fraudulently obtained, or practices as a horseshoer in any such city without complying with the provisions of article twelve of

the labor law, or violates or neglects to comply with any of such provisions, is guilty of a misdemeanor.}]

[See note 64] **§ 1276. Negligently furnishing insecure scaffolding.** A person or corporation employing or directing another to do or perform any labor in the erection, repairing, altering or painting, any house, building or structure within this state, who knowingly or negligently furnishes or erects or causes to be furnished or erected for the performance of such labor, unsafe, unsuitable or improper scaffolding, hoists, stays, ladders or other mechanical contrivances; or who hinders or obstructs any officer detailed to inspect the same, destroys or defaces any notice posted thereon, or permits the use thereof after the same has been declared unsafe by such officer contrary to the provisions of article [one] two of the labor law, is guilty of a misdemeanor.

[Penal Code § 447a, added by L. 1893, Ch. 692, § 2, and amended by L. 1897, Ch. 416, § 1.]

[See note 64] **§ 1277. Neglect to complete or plank floors of buildings constructed in cities.** A person, constructing a building in a city, as owner or contractor, who violates the provisions of article [one] two of the labor law, relating to the completing or laying of floors, or the planking of such floors or tiers of beams as the work of construction progresses, is guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine for each offense of not less than twenty-five nor more than two hundred dollars.

[Penal Code § 447c, added by L. 1897, Ch. 416, § 2.]

§ 1278. Fraudulent representation in labor organizations. Any person who represents himself or herself to be a member of, or who claims to represent a labor organization which does not exist within the state, at the time of such representation, or who has in his or her possession a credential, certificate or letter of introduction bearing a fraudulent seal, or bearing the seal of a labor organization which has ceased to exist, and does not exist at the time of such representation, and attempts to gain admission by the use of said credential, certificate or letter of introduction, as a member of any convention, or meeting of representatives of labor organizations of the state, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a

fine of not less than twenty dollars nor more than fifty dollars, and imprisonment for not less than ten days nor more than thirty days in the jail of the county wherein such conviction is had, or by both such fine and imprisonment.

[L. 1898, Ch. 671.]

[REFERENCES FOR OTHER SUBJECTS:

Labor: Assembling to obtain increase in wages, *see* General Provisions, § 42; *also* Conspiracy, § 582.

Endangering human life by refusal to labor, *see* Public Safety, § 1910.

Prohibited on Sunday, *see* Sabbath, § 2143.

Labor representatives; bribing of, *see* Bribery and Corruption, § 388.

Larceny, *see* Stealing.]

ARTICLE 122

Legislature

Section 1290. Preventing the meeting or organization of either branch of the legislature.

1291. *Disturbing the legislature while in session.*

1292. *Compelling adjournment.*

1293. *Intimidating a member of the legislature.*

1294. *Compelling either house to perform or omit any official act.*

1295. *Altering draft of bill.*

1296. *Altering engrossed copy.*

1297. *Bribery of members of the legislature.*

1298. *Receiving bribes by members of legislature.*

1299. *Witnesses refusing to attend before the legislature or legislative committees.*

1300. *Refusing to testify.*

1301. *Members of the legislature liable for forfeiture of office.*

§ 1290. Preventing the meeting or organization of either branch of the legislature. A person who wilfully and by force or fraud prevents the legislature of this state, or either of the houses composing it, or any of the members thereof, from meeting or organizing, is punishable by imprisonment in a state prison not less than five years nor more than ten years, or

by a fine of not less than five hundred dollars, nor more than two thousand dollars, or by both.

[Penal Code § 59.]

§ 1291. Disturbing the legislature while in session.

A person who wilfully disturbs the legislature of this state, or either of the houses composing it, while in session, or who commits any disorderly conduct in the immediate view and presence of either house of the legislature, tending to interrupt its proceedings or impair the respect due to its authority, is guilty of a misdemeanor.

[Penal Code § 60.]

§ 1292. Compelling adjournment. A person who wilfully and by force or fraud compels or attempts to compel the legislature of this state, or either of the houses composing it, to adjourn or disperse, is punishable by imprisonment in a state prison not less than five nor more than ten years, or by fine of not less than five hundred dollars, nor more than two thousand dollars, or by both.

[Penal Code § 61.]

§ 1293. Intimidating a member of the legislature.

A person who wilfully, by intimidation or otherwise, prevents any member of the legislature of this state, from attending any session of the house of which he is a member, or of any committee thereof, or from giving his vote upon any question which may come before such house, or from performing any other official act, is guilty of a misdemeanor.

[Penal Code § 62.]

§ 1294. Compelling either house to perform or omit any official act. A person who wilfully compels or attempts to compel either of the houses composing the legislature of this state to pass, amend, or reject any bill, or resolution, or to grant or refuse any petition, or to perform or omit to perform any other official act, is punishable by imprisonment in a state prison not less than five nor more than ten years, or by a fine of not less than five hundred dollars nor more than two thousand dollars, or by both.

[Penal Code § 63.]

§ 1295. Altering draft of bill. A person who fraudulently alters the draft of any bill or resolution which has been

presented to either of the houses composing the legislature, to be passed or adopted, with intent to procure it to be passed or adopted by either house, or certified by the presiding officer of either house, in language different from that intended by such house, is guilty of felony.

[Penal Code § 64.]

§ 1296. Altering engrossed copy. A person who fraudulently alters the engrossed copy or enrollment of any bill which has been passed by the legislature of this state, with intent to procure it to be approved by the governor or certified by the secretary of state, or printed or published by the printer of the statutes in language different from that in which it was passed by the legislature, is guilty of felony.

[Penal Code § 65.]

§ 1297. Bribery of members of the legislature. A person who gives or offers, or causes to be given or offered, a bribe, or any money, property, or value of any kind, or any promise or agreement therefor, to a member of the legislature, or attempts, directly or indirectly, by menace, deceit, suppression of truth, or other corrupt means, to influence a member to give or withhold his vote, or to absent himself from the house of which he is a member, or from any committee thereof, is punishable by imprisonment for not more than ten years, or by a fine of not more than five thousand dollars, or both.

[Penal Code § 66.]

§ 1298. Receiving bribes by members of legislature. A member of either of the houses composing the legislature of this state, who asks, receives, or agrees to receive any bribe upon any understanding that his official vote, opinion, judgment or action shall be influenced thereby, or shall be given in any particular manner or upon any particular side of any question or matter upon which he may be required to act in his official capacity, or who gives or offers or promises to give any official vote in consideration that another member of the legislature shall give any such vote, either upon the same or another question, is punishable by imprisonment in a state prison not exceeding ten years, or by fine not exceeding five thousand dollars, or both.

[Penal Code § 67.]

§ 1299. Witnesses refusing to attend before the legislature or legislative committees. A person who, being duly summoned to attend as a witness before either house

of the legislature or any committee thereof, authorized to summon witnesses, refuses or neglects without lawful excuse to attend pursuant to such summons, is guilty of a misdemeanor.
[Penal Code § 68.]

§ 1300. Refusing to testify. A person who being present before either house of the legislature or any committee thereof authorized to summon witnesses, wilfully refuses to be sworn or affirmed, or to answer any material and proper question, or to produce upon reasonable notice any material and proper books, papers, or documents in his possession or under his control, is guilty of a misdemeanor.
[Penal Code § 69.]

[See note 67] **§ 1301. Members of the legislature liable to forfeiture of office.** The conviction of a member of the legislature of either of the crimes defined in this [chapter,] article, involves as a consequence in addition to the punishment prescribed by this [code,] chapter, a forfeiture of his office; and disqualifies him from ever afterwards holding any office under this state.
[Penal Code § 70.]

[REFERENCES FOR OTHER SUBJECTS:

Letters, *see* Communications.

Levying war against state, *see* Treason, § 2381.]

ARTICLE 124

Libel

Section 1320. Libel defined.

1321. *Libel a misdemeanor.*

1322. *Malice presumed; defense to prosecution.*

1323. *Publication defined.*

1324. *Liability of editors and others.*

1325. *Publishing a true report of public official proceedings.*

1326. *Indictment for libel published against resident.*

1327. *Indictment for libel published against non-resident.*

1328. *Restriction on indictment for libel.*

1329. *Power of court; place of trial.*

1330. *Privileged communications.*

1331. *Threatening to publish libel.*

1332. *Furnishing libelous information.*

§ 1320. Libel defined. A malicious publication, by writing, printing, picture, effigy, sign or otherwise than by mere speech, which exposes any living person, or the memory of any person deceased, to hatred, contempt, ridicule or obloquy, or which causes, or tends to cause any person to be shunned or avoided, or which has a tendency to injure any person, corporation or association of persons, in his or their business or occupation, is a libel.

[Penal Code § 242.]

§ 1321. Libel a misdemeanor. A person who publishes a libel, is guilty of a misdemeanor.

[Penal Code § 243.]

§1322. Malice presumed; defense to prosecution. A publication having the tendency or effect, mentioned in section [two hundred and forty-two,] thirteen hundred and twenty, is to be deemed malicious, if no justification or excuse therefor is shown.

The publication is justified when the matter charged as libelous is true, and was published with good motives and for justifiable ends.

The publication is excused when it is honestly made, in the belief of its truth and upon reasonable grounds for this belief, and consists of fair comments upon the conduct of a person in respect of public affairs, or upon a thing which the proprietor thereof offers or explains to the public.

[Penal Code § 244.]

§ 1323. Publication defined. To sustain a charge of publishing a libel, it is not necessary that the matter complained of should have been seen by another. It is enough that the defendant knowingly displayed it, or parted with its immediate custody, under circumstances which exposed it to be seen or understood by another person than himself.

[Penal Code § 245.]

§ 1324. Liability of editors and others. Every editor, or proprietor of a book, newspaper or serial, and every manager of a partnership or incorporated association, by which a book, newspaper or serial is issued, is chargeable with the publication of any matter contained in such book, newspaper or serial. But in every prosecution for libel the defendant may show in his defense that the matter complained of was published without his

knowledge or fault and against his wishes, by another who had no authority from him to make the publication and whose act was disavowed by him so soon as known.

[Penal Code § 246.]

§ 1325. Publishing a true report of public official proceedings. A prosecution for libel can not be maintained against a reporter, editor, publisher, or proprietor of a newspaper, for the publication therein, of a fair and true report of any judicial, legislative or other public and official proceeding, or of any statement, speech, argument or debate in the course of the same, without proving actual malice in making the report.

[The last] This section does not apply to a libel contained in the heading of the report, or in any other matter added by any other person concerned in the publication; or in the report of any thing said or done at the time and place of the public and official proceeding, which was not a part thereof.

[Penal Code §§ 247, 248.]

§ 1326. Indictment for libel published against resident. An indictment for a libel, contained in a newspaper published within this state, against a resident thereof, may be found either in the county where the paper was published, or in the county where the person libeled resided when the offense was committed. In the latter case the defendant is entitled to an order of the supreme court, directing the indictment against him to be tried in the county in which the paper was printed and published, upon compliance with the following conditions:

1. He must apply for the order within thirty days after being committed upon, or giving bail to answer, the indictment;

2. He must execute a bond to the complainant, with two sufficient sureties, approved by the judge hearing his application, in a penal sum fixed by the judge, not less than two hundred and fifty nor more than one thousand dollars, conditioned for the payment, in case the defendant is convicted, of all the complainant's reasonable expenses in going to and from his place of residence and the place of trial, and in attendance upon the trial;

3. He must, within ten days after the granting of the order, file the order and deposit the bond with the clerk of the county in which the indictment is pending.

[Penal Code § 249.]

§ 1327. Indictment for libel published against non-resident. An indictment for a libel published against a person not a resident of this state, must be found and tried in the

county, where the paper containing the libel purports upon its face to be published; or, if no county is indicated upon the face of the paper, in any county where the paper was circulated.

[Penal Code § 250.]

§ 1328. Restriction on indictment for libel. A person can not be indicted or tried for the publication of the same libel, against the same person, in more than one county.

[Penal Code § 251.]

§ 1329. Power of court; place of trial. Nothing contained in this [chapter] article shall be construed to abridge, or in any manner affect, the power of a competent court, to change the place of trial of an indictment for libel, in the same manner as may lawfully be done, in respect to any other indictment.

[Penal Code § 252.]

§ 1330. Privileged communications. A communication made to a person entitled to, or interested in, the communication, by one who was also interested in or entitled to make it, or who stood in such a relation to the former as to afford a reasonable ground for supposing his motive innocent, is presumed not to be malicious, and is called a privileged communication.

[Penal Code § 253.]

§ 1331. Threatening to publish libel. A person who threatens another with the publication of a libel, concerning the latter or concerning any parent, husband, wife, child or other member of the family of the latter, and a person who offers to prevent the publication of a libel upon another person upon condition of the payment of, or with intent to extort, money or other valuable consideration from any person, is guilty of a misdemeanor.

[Penal Code § 254.]

§ 1332. Furnishing libelous information. Any person who wilfully states, delivers or transmits by any means whatever to any manager, editor, publisher, reporter or other employee of a publisher of any newspaper, magazine, publication, periodical or serial, any statement concerning any person or corporation, which, if published therein, would be a libel, is guilty of a misdemeanor.

[Penal Code § 254a, added by L. 1890, Ch. 340, § 1, and amended by L. 1894, Ch. 626, § 1.]

REFERENCES FOR OTHER SUBJECTS:

Libraries; removal of books and works of art, *see* Malicious Mischief, §§ 1427, 1428.

Life saving apparatus; injuring, *see* Public Safety, § 1911.

Limitations; indictment for marrying under an assumed character, *see* Frauds and Cheats, § 929.

Limited partnership, *see* Partnership.

Liquor: Armories and arsenals, *see* Military, § 1485.

Bringing into a jail, *see* Public Justice, § 1791.

Not to be sold in a court-house, *see* Public Justice, § 1790.

Procurement of for persons to whom sale is forbidden by liquor tax law, *see* Public Safety, § 1912.

Lodging-houses, *see* Hotels.

Lost property; appropriating, *see* Stealing, § 2270.]

ARTICLE 126**Logs**

Section 1350. Floating logs or defacing marks thereon.

§ 1350. Floating logs or defacing marks thereon.

A person who:

1. Floats, runs or assists in floating or running any lumber, logs or other timber upon or over any river not excepted by law, within this state, recognized by law or use as a public highway for the purpose of floating and running lumber, logs and other timber therein, without first filing the bond executed and approved as required by law; or,

2. Unlawfully cuts out, alters or defaces any mark made upon any log or lumber, whether such mark be recorded or not, or puts a false mark upon any log or lumber floating in any of the waters of this state or lying upon land,

Is guilty of a misdemeanor.

[Penal Code § 373, as amended by L. 1893, Ch. 692, § 1.]

ARTICLE 128**Lost Treasure and Waived Property**

Section 1360. Fraudulent appropriation of lost treasure or waived property.

§ 1360. Fraudulent appropriation of lost treasure or waived property. A person who fraudulently conceals or appropriates to his own use any lost treasure or any waived prop-

erty belonging to this state by virtue of its sovereignty, is guilty of a misdemeanor.

[Penal Code § 482.]

ARTICLE 130

Lotteries

Section 1370. Lottery defined.

1371. *Lottery unlawful and a public nuisance.*

1372. *Contriving, drawing, and assisting in a lottery.*

1373. *Selling lottery tickets.*

1374. *Advertising lotteries.*

1375. *Advertisements by persons out of the state.*

1376. *Offering property for disposal dependent upon the drawing of any lottery.*

1377. *Keeping a lottery office.*

1378. *Insuring lottery tickets.*

1379. *Advertising to insure lottery tickets.*

1380. *Property offered for disposal in lotteries, forfeited.*

1381. *Letting building for lottery purposes.*

1382. *Lotteries out of this state.*

1383. *Money paid for lottery tickets may be recovered by action.*

1384. *Prizes in lotteries, forfeited.*

1385. *Certain transfers of property in pursuance of lottery, void.*

1386. *Contracts, agreements and securities on account of raffling, void.*

§ 1370. Lottery defined. A "lottery" is a scheme for the distribution of property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance, whether called a lottery, raffle, or gift enterprise or by some other name.

[Penal Code § 323.]

§ 1371. Lottery unlawful and a public nuisance. A lottery is unlawful and a public nuisance.

[Penal Code § 324.]

§ 1372. Contriving, drawing, and assisting in a lottery. A person who contrives, proposes or draws a lottery, or assists in contriving, proposing or drawing the same, is punish-

able by imprisonment for not more than two years, or by fine of not more than one thousand dollars, or both.

[Penal Code § 325.]

§ 1373. Selling lottery tickets. A person who sells, gives, or in any way whatever furnishes or transfers, to or for another, a ticket, chance, share, or interest, or any paper, certificate, or instrument, purporting to be or to represent a ticket, chance, share, or interest, in or dependent upon the event of a lottery, to be drawn within or without this state, is guilty of a misdemeanor.

[Penal Code § 326.]

§ 1374. Advertising lotteries. A person who, by writing or printing, or by circular or letter, or in any other way, advertises or publishes an account of a lottery, whether within or without the state, stating how, when or where the same is to be, or has been, drawn, or what are the prizes therein, or any of them, or the price of a ticket, or any share or interest therein, or where or how it may be obtained, is guilty of a misdemeanor.

[Penal Code § 327.]

§ 1375. Advertisements by persons out of the state. The provisions of sections [three hundred and twenty-seven] thirteen hundred and seventy-four and [three hundred and thirty-one] thirteen hundred and seventy-nine are applicable, whenever the advertisement was published, or the letter or circular sent or delivered through or in this state, though the person causing or procuring the same to be published, sent or delivered, was out of the state at the time of so doing.

[Penal Code § 335.]

[See note 69] **§ 1376. Offering property for disposal dependent upon the drawing of any lottery.** A person who offers for sale or distribution, in any way, real or personal property, or any interest therein, to be determined by lot or chance, dependent upon the drawing of a lottery within or without this state, or who sells, furnishes, or procures, or causes to be sold, furnished, or procured, in any manner, a chance or share, or any interest in property offered for sale or distribution, in violation of this [chapter] article, or a ticket or other evidence of such a chance, share, or interest, is guilty of a misdemeanor.

[Penal Code § 328.]

§ 1377. Keeping a lottery office. A person who opens, sets up, or keeps, by himself or another person, an office or other

place for registering the numbers of tickets in a lottery within or without this state, or for making, receiving, or registering any bets or stakes for the drawing, or result of such a lottery, or who advertises or in any way publishes any account of an opening, setting up, or keeping of such an office or place, is guilty of a misdemeanor.

[Penal Code § 329.]

§ 1378. Insuring lottery tickets. A person who insures, or receives any consideration for insuring, for or against the drawing of a ticket, share, or interest in a lottery, or of a number of such a ticket, share or interest, or who receives any valuable consideration upon an agreement to pay money, or deliver property, in the event that a ticket, share, or interest, or a number of such a ticket, share, or interest in a lottery, shall prove fortunate or unfortunate, or shall be drawn or not drawn in a particular way or in a particular order, or who promises or agrees, or offers to pay money, or to deliver property, or to do, or forbear to do, anything for the benefit of any person, with or without consideration, upon any accident or contingency dependent on the drawing thereof, or of any number or ticket therein, is guilty of a misdemeanor.

[Penal Code § 330.]

§ 1379. Advertising to insure lottery tickets. A person who, by writing or printing, or by circular or letter, or in any other way, advertises or publishes an offer, notice, or proposition, in violation of the last section, is guilty of a misdemeanor.

[Penal Code § 331.]

§ 1380. Property offered for disposal in lotteries, [See note 70] **forfeited.** All property offered for sale, or distribution, in violation of the provisions of this [chapter] article, is forfeited to the people of this state, as well before as after the determination of the chance on which the same was dependent. And it is the duty of the respective district attorneys, to demand, sue for and recover, in behalf of the people, all property so forfeited, and to cause the same to be sold when recovered, and to pay the proceeds of the sale of such property, and any moneys that may be collected in any such suit, into the county treasury, for the benefit of the poor.

[Penal Code § 332.]

§ 1381. Letting building for lottery purposes. A [See note 70] person who lets, or permits to be used any building or portion of

a building, knowing that it is intended to be used for any of the purposes declared punishable by this [chapter] article, is guilty of a misdemeanor.

[Penal Code § 333.]

[See note 70] **§ 1382. Lotteries out of this state.** The provisions of this [chapter] article are applicable to lotteries drawn or to be drawn out of this state, whether authorized or not by the laws of the state where they are drawn or to be drawn, in the same manner as to lotteries drawn or to be drawn within this state.

[Penal Code § 334.]

§ 1383. Money paid for lottery tickets may be recovered by action. Any person who shall purchase any share, interest, ticket, certificate of any share or interest, or part of a ticket, or any paper or instrument purporting to be a ticket or share or interest in any ticket, or purporting to be a certificate of any share or interest in any ticket, or in any portion of any [illegal] lottery, may sue for and recover double the sum of money, and double the value of any goods or things in action, which he may have paid or delivered in consideration of such purchase, with double costs of suit.

Any person who shall have paid any money, or valuable thing, for a chance or interest in any [such] raffle or distribution, [as is] prohibited by the preceding sections, may sue for and recover the same of the person to whom such payment or delivery was made.

[R. S. Pt. 1, Ch. 20, Tit. 8, §§ 25, 32.]

[See note 71] **§ 1384. Prizes in lotteries, forfeited.** Any prize that shall be drawn in any lottery [forbidden by law,] shall be forfeited to the use of the poor; and it shall be the duty of the overseers of the poor of the town where the person or persons drawing such prize, or any of them, shall reside, to sue for the same, in their names; and they shall recover the same, in an action for money had and received [founded upon this statute].

[R. S. Pt. 1, Ch. 20, Tit. 8, § 33.]

§ 1385. Certain transfers of property in pursuance of lottery, void. Every grant, bargain, sale, conveyance, or transfer of any real estate, or of any goods, chattels, things in action, or any personal property, which shall hereafter be made in pursuance of any lottery [not authorized by the laws of this state], or for the purpose of aiding and assisting in such lottery, game or other device, to be determined by lot or chance [are] is hereby declared void and of no effect.

[R. S. Pt. 1, Ch. 20, Tit. 8, § 38.]

§ 1386. Contracts, agreements and securities on account of raffling, void. All contracts, agreements and securities given, made or executed, for or on account of any raffle, or distribution of money, goods or things in action, for the payment of any money, or other valuable thing, in consideration of a chance in such raffle or distribution, or for the delivery of any money, goods or things in action, so raffled for, or agreed to be distributed as aforesaid, shall be utterly void.

[R. S. Pt. 1, Ch. 20, Tit. 8, § 24.]

[REFERENCES FOR OTHER SUBJECTS:

Lunatics, *see* Incompetent Persons.

Machinery; death from negligent use, *see* Homicide, § 1052.]

ARTICLE 132

Maiming

Section 1400. Maiming defined; punishment.

1401. *What injury may constitute maiming.*

1402. *Maiming one's self to escape performance of a duty.*

1403. *Maiming one's self to obtain alms.*

1404. *Subsequent recovery of injured person, when a defense.*

§ 1400. Maiming defined; punishment. A person who wilfully, with intent to commit felony, or to injure, disfigure or disable, inflict upon the person of another an injury which:

1. Seriously disfigures his person by any mutilation thereof; or,
2. Destroys or disables any member or organ of his body; or,

3. Seriously diminishes his physical vigor by the injury of any member or organ,

Is guilty of maiming, and is punishable by imprisonment for a term not exceeding fifteen years.

The infliction of the injury is presumptive evidence of the intent.

[Penal Code § 206, as amended by L. 1892, Ch. 662, § 5.]

§ 1401. What injury may constitute maiming. To constitute maiming, it is immaterial by what means or instrument, or in what manner, the injury was inflicted.

[Penal Code § 209.]

§ 1402. Maiming one's self to escape performance of a duty. A person who, with design to disable himself from performing a legal duty, existing or anticipated, inflicts upon himself an injury, whereby he is so disabled is guilty of a felony.

[Penal Code § 207.]

§ 1403. Maiming one's self to obtain alms. A person who inflicts upon himself an injury, such as if inflicted upon another would constitute maiming, with intent to avail himself of such injury, in order to excite sympathy, or to obtain alms, or any charitable relief, is guilty of a felony.

[Penal Code § 208.]

§ 1404. Subsequent recovery of injured person, when a defense. Where it appears, upon a trial for maiming another person, that the person injured has, before the time of trial, so far recovered from the wound, that he is no longer by it disfigured in personal appearance, or disabled in any member or organ of his body, or affected in physical vigor, no conviction for maiming can be had; but the defendant may be convicted of assault in any degree.

[Penal Code § 210.]

[REFERENCES FOR OTHER SUBJECTS:

Maiming; tattooing, *see* Hazing.

Malice; maliciously, definition, *see* Construction of Terms, § 3.]

ARTICLE 134

Malicious Mischief

Section 1420. Damaging building or vessel by explosion.

1421. Burning crops or timber, how punished.

1422. Altering signal or light for railroad or vessel.

Section 1423. Injuring highway boundary, pier, sea-wall, dock, rock, buoy, landmark, mile-board, pipe, main, sewer, machine, telegraph, or other property.

1424. *False alarms of fire; interference with fire-alarm telegraph systems.*

1425. *Malicious injury to and destruction of property.*

1426. *Malicious injury to standing crops, when a misdemeanor.*

1427. *Removal of books and works of art from library; wilful injury to works of art, ornamental trees or other improvements.*

1428. *Wilful or malicious injury to certain articles in libraries, galleries, museums or exhibitions.*

1429. *Destroying or delaying election returns.*

1430. *Property in house of worship.*

1431. *Interference with gas or electric meters or steam valves.*

1432. *Unlawful interference with water meters, water service pipes and their connections.*

1433. *Injury to property, how punished.*

1434. *Placing injurious substances on roads.*

1435. *Injuring property of United States coast and geodetic survey.*

§ 1420. Damaging building or vessel by explosion.

A person who unlawfully and maliciously, by the explosion of gunpowder, or any other explosive substance, destroys or damages any building or vessel, is punishable as follows:

1. If thereby the life or safety of a human being is endangered, by imprisonment for not more than ten years;

2. In every other case by imprisonment for not more than five years.

[Penal Code § 636.]

§ 1421. Burning crops or timber, how punished.

A person who wilfully burns or sets fire to any grain, grass, or growing crop, or standing timber, or to any building, fixtures or appurtenances to real property of another, under circumstances not amounting to arson in any of its degrees, is punishable by imprisonment for not more than four years.

[Penal Code § 637.]

§ 1422. Altering signal or light for railroad or vessel. A person who, with intent to bring a vessel, railway engine, or railway train into danger [either]:

1. Unlawfully or wrongfully shows, masks, extinguishes, alters, or removes a light or other signal; or,

2. Exhibits any false light or signal,

Is punishable by imprisonment for not more than ten years.

[Penal Code § 638.]

§ 1423. Injuring highway boundary, pier, sea-wall, dock, rock, buoy, landmark, mile-board, pipe, main, sewer, machine, telegraph, or other property. A person who wilfully or maliciously displaces, removes, injures, or destroys:

1. A public highway or bridge, or a private way laid out by authority of law, or a bridge upon such public or private way; or,

2. A pier, boom, or dam, lawfully erected or maintained upon any water within the state, or hoists any gate in or about such dam; or,

3. A pile, or other material, fixed in the ground and used for securing any sea-bank or sea-walls, or the bank or dam of any river or other water, or any dock, quay, jetty, or lock; or,

4. A buoy or beacon, lawfully placed in any waters within the state; or,

5. A tree, rock, post, or other monument, which has been either erected or marked for the purpose of designating a point in the boundary of the state, or of a county, city, town, or village, or of a farm, tract, or lot of land, or any mark or inscription thereon; or,

6. A mile-board, mile-stone, or guide-post, erected upon a highway, or any inscription upon the same; or,

7. A line of telegraph or telephone, wire or cable, pier or abutment, or the material or property belonging thereto, without lawful authority, or who shall unlawfully and wilfully cut, break, tap, or make connection with any telegraph or telephone line, wire, cable or instrument, or read or copy in any unauthorized manner any message, communication or report passing over it, in this state; or who shall wilfully prevent, obstruct or delay, by any means or contrivance whatsoever, the sending, transmission, conveyance or delivery, in this state, of any authorized message, communication or report by or through any telegraph or telephone line, wire or cable, under the control of any telegraph or telephone company doing business in this state; or who shall aid, agree with, employ or conspire with any person or persons to unlawfully do, or permit or cause to be done, any of the acts hereinbefore mentioned, or who shall occupy, use a line, or shall knowingly permit another to occupy, use a line, a room, table,

establishment or apparatus to unlawfully do or cause to be done any of the acts hereinbefore mentioned; or,

8. A pipe or main for conducting gas or water, or any works erected for supplying buildings with gas or water, or any appurtenance or appendage connected therewith; or,

9. A sewer or drain, or a pipe or main connected therewith, or forming part thereof; or, [who]

10. Destroys or damages with intent to destroy or render useless any engine, machine, tool or implement intended for use in trade or husbandry,

Is punishable by imprisonment for not more than two years.

11. Any person who shall without authority of the corporation owning the same open any fire-hydrant, except for the purpose of extinguishing a fire, or who shall wantonly injure or impair the same, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of ten dollars or by imprisonment in a county jail for the term of ten days; and it shall be the duty of all policemen, deputy sheriffs or constables to arrest any person found violating this [act] subdivision.

[Penal Code § 639; subd. 7, amended by L. 1892, Ch. 372, § 1; subd. 11, added by L. 1899, Ch. 338, § 1.]

§ 1424. False alarms of fire; interference with fire-alarm telegraph systems. Any person who shall wilfully give any false alarm of fire, or who shall wilfully tamper, meddle or interfere with any station or signal box of any fire-alarm telegraph system, or who shall wilfully break, injure, deface or remove any such box or station, or who shall wilfully break, injure, destroy, or disturb any of the wires, poles or other supports and appliances connected with or forming a part of any fire-alarm telegraph system shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars or by imprisonment for not less than ten days or by both such fine and imprisonment.

[Penal Code § 639a, added by L. 1905, Ch. 279, § 1.]

§ 1425. Malicious injury to and destruction of property. A person who wilfully:

1. Cuts down, destroys or injures any wood or timber standing or growing, or which has been cut down and is lying on lands of another, or of the people of the state; or,

2. Cuts down, girdles or otherwise injures a fruit, shade or ornamental tree standing on the lands of another, or of the people of the state; or,

3. Severs from the freehold of another, or of the people of the state, any produce thereof, or any thing attached thereto; or,

4. Digs, takes or carries away without lawful authority or consent from any lot of land in any city or incorporated village, or from any lands included within the limits of a street or avenue laid down on the map of such city or village, or otherwise recognized or established, any earth, soil or stone; or,

5. Enters without the consent of the owner or occupant any orchard, fruit garden, vineyard or ground whereon is cultivated any fruit, with intent to take, injure or destroy any thing there growing or grown; or,

6. Cuts down, destroys or in any way injures any shrub, tree or vine being or growing within any such orchard, garden, vineyard or upon any such ground, or any building, frame work or erection thereon; or,

7. Maliciously injures any ice upon any water from which ice is taken as an article of merchandise with intent to injure the owner thereof, or enters or skates upon any pond or body of water not navigable, kept and used for the purpose of taking ice therefrom as an article of merchandise, and upon or adjoining which a notice has been placed in a conspicuous position forbidding such entry, and stating the purpose for which said body of water is kept or used, or puts or throws upon or into any such pond or body of water any stick, stone or other substance to the injury of the ice or water; or,

8. Unlawfully takes or carries away or interferes with or disturbs by any means the oysters or other shell fish of another, legally planted upon the bed of any river, bay, sound or water of this state, or removes, pulls up or destroys any stake or buoy designated or marking out any legally planted oyster bed of another, is guilty of a misdemeanor; and any oysters planted upon the bed of any waters of this state leased by the commissioners of fisheries shall be deemed legally planted, and evidence that any boat or vessel has been used for the purpose of taking, carrying away or interfering with such oysters shall be presumptive evidence of guilt as against the owner, master or crew of such vessel; or,

9. Intrudes or places any hovel, shanty or building upon, or within the limits of any lot or piece of land within any incorporated city or village, without the consent of the owner, or within the boundaries of any street or avenue within such city or village; or,

10. Kills, wounds or traps any bird, deer, squirrel, rabbit or other animal within the limits of any cemetery or public burying ground, or of any public park or pleasure ground, or removes the

young of any such animal, or the eggs of any such bird, from any cemetery, park or pleasure ground, or exposes for sale, or knowingly buys or sells any bird or animal so killed or taken; or,

11. Drives or leads along a public highway a wild and dangerous animal, or a vehicle or engine propelled by steam, except upon a railroad, along a public highway, or causes or directs such animal, vehicle or engine to be so driven, led or to be made to pass, unless a person of mature age shall precede such animal, vehicle or engine by at least one-eighth of a mile, carrying a red light, if in the night time, and gives warning to all persons whom he meets traveling such highway, of the approach of such animal, vehicle or engine; or,

12. Takes or attempts to take, without the consent of the owner of any lake or pond, any fish from the waters thereof, provided such lake or pond is so situated that fish can not pass thereinto from the waters of any other lake, pond or stream, either public or owned by other persons; or, without the consent of the owner of any such lake or pond, places therein any piscivorous fish or any poison or other substance injurious to the health of fish, or lets the waters out of any such lake or pond, with intent to take fish therefrom or to harm fish therein; or,

13. Injures any arsenal or armory, or its fixtures, or any uniforms, arms or equipments, or other property therein deposited; or,

14. Trespasses upon any rifle range lawfully used by or in connection with the national guard of the state, or any organization, division or district thereof, or [who] injures any target or other property situate thereon, or [who] wilfully violates thereon any regulation established to maintain order, preserve property or prevent accident upon such range, or removes, mutilates or destroys a battle flag, book, placard, relic or record deposited or kept in the state military bureau; or,

15. Cuts, spoils or destroys any cordage, cable, buoys, buoy-rope, head-fast or other fast fixed to the anchor or moorings belonging to any vessel, or who shall, with intent to injure, tamper in any way with the lines or cables by which any vessel is moored or made fast, or who shall, with intent to injure, tamper in any manner with the steering-gear, bell-gear, engines, machinery, lights or any other equipments of any vessel,

Shall be deemed guilty of a misdemeanor.

16. Any person, who in any manner, for exhibition or display, shall [after the first day of September, nineteen hundred and five,] place or cause to be placed, any word, figure, mark, picture, design, drawing, or any advertisement, of any nature upon any flag, standard, color or ensign of the United States

of America or state flag of this state or ensign, or shall expose or cause to be exposed to public view any such flag, standard, color or ensign, upon which after the first day of September, nineteen hundred and five, shall have been printed, painted or otherwise placed, or to which shall be attached, appended, affixed, or annexed, any word, figure, mark, picture, design, or drawing, or any advertisement of any nature, or who shall [after the first day of September, nineteen hundred and five,] expose to public view, manufacture, sell, expose for sale, give away, or have in possession for sale, or to give away, or for use for any purpose, any article, or substance, being an article of merchandise, or a receptacle of merchandise or article or thing for carrying or transporting merchandise, upon which after the first day of September, nineteen hundred and five, shall have been printed, painted, attached, or otherwise placed, a representation of any such flag, standard, color or ensign, to advertise, call attention to, decorate, mark, or distinguish, the article or substance, on which so placed, or who shall publicly mutilate, deface, defile, or defy, trample upon, or cast contempt, either by words or act, upon any such flag, standard, color or ensign, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars or by imprisonment for not more than thirty days, or both, in the discretion of the court; and shall also forfeit a penalty of fifty dollars for each such offense, to be recovered with costs in a civil action, or suit, in any court having jurisdiction, and such action or suit may be brought by or in the name of any citizen of this state, and such penalty when collected less the reasonable cost and expense of action or suit and recovery to be certified by the district attorney of the county in which the offense is committed shall be paid into the treasury of this state; and two or more penalties may be sued for and recovered in the same action or suit. The words, flag, standard, color or ensign, as used in this subdivision or section, shall include any flag, standard, color, ensign, or any picture or representation, of either thereof, made of any substance, or represented on any substance, and of any size, evidently purporting to be, either of, said flag, standard, color or ensign, of the United States of America, or a picture or a representation, of either thereof, upon which shall be shown the colors, the stars, and the stripes, in any number of either thereof, or by which the person seeing the same, without deliberation may believe the same to represent the flag, colors, standard, or ensign of the United States of America. The possession [after September one, nineteen hundred and five,] by any person, other than a public officer, as such, of any such flag, standard, color or ensign, on which shall be any-

thing made unlawful at any time by this section, or of any article or substance or thing on which shall be anything made unlawful at any time by this section shall be presumptive evidence that the same is in violation of this section, and was made, done or created after the first day of September, nineteen hundred and five, and that such flag, standard, color, ensign, or article, substance, or thing, did not exist on the first day of September, nineteen hundred and five.

[Penal Code § 640, as amended by L. 1892, Ch. 692, § 1; subd. 8, as amended by L. 1888, Ch. 491, § 1; L. 1894, Ch. 164, § 1; L. 1894, Ch. 320, § 1; subd. 12, added by L. 1889, Ch. 497, § 1; subd. 13, added by L. 1893, Ch. 692, § 2; subd. 14, added by L. 1893, Ch. 692, § 2, and amended by L. 1894, Ch. 551, § 1; L. 1896, Ch. 552, § 1; subd. 15, added by L. 1896, Ch. 552, § 1; subd. 16, added by L. 1899, Ch. 12, § 1, and amended by L. 1903, Ch. 272, § 1; L. 1905, Ch. 80, § 1; L. 1905, Ch. 440, § 1.]

§ 1426. Malicious injury to standing crops, when a misdemeanor. A person, who maliciously injures or destroys any standing crops, grain, cultivated fruits, or vegetables, the property of another, in any case for which punishment is not otherwise prescribed by this [code] chapter or by some other statute, is guilty of a misdemeanor.

[Penal Code § 646.]

§ 1427. Removal of books and works of art from library; wilful injury to works of art, ornamental trees or other improvements. Any person who:

1. Removes or assists in removing any book, manuscript, map, print, coin, medal, printing or other literary article or work of art from the library building of any reference library company, except for its preservation or repair or for the purpose of its deposit in some other building of the company, or, being a trustee or officer of such company, consents to the removal thereof; or, upon such removal refuses to permit the same to be restored; or,

2. Not being the owner thereof, and without lawful authority, wilfully injures, disfigures, removes or destroys a gravestone, monument, work of art, or useful or ornamental improvement, or any shade tree or ornamental plant, whether situated upon private grounds or upon the street, road or sidewalk, cemetery or public park or place, or removes from any grave in a cemetery any flowers, memorials or other tokens of affection, or other thing connected with them,

Is guilty of a misdemeanor.

[Penal Code § 647, as amended by L. 1892, Ch. 692, § 1.]

§ 1428. Wilful or malicious injury to certain articles in libraries, galleries, museums or exhibitions.

A person who wilfully or maliciously cuts, tears, defaces, disfigures, soils, obliterates, breaks or destroys, a book, map, chart, picture, engraving, statue, coin, model, apparatus, specimen, or other work of literature or object of art, or curiosity, deposited in a public library, gallery, museum, collection, fair, or exhibition, or in a library, gallery, museum, collection or exhibition belonging to any incorporated college or university, or to any other incorporated institution devoted to educational, scientific, literary, artistic, historical or charitable purposes, is punishable by imprisonment in a state prison for not more than three years, or in a county jail for not more than one year, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment.

[Penal Code § 648, as amended by L. 1907, Ch. 405, § 1.]

§ 1429. Destroying or delaying election returns.

A messenger appointed by authority of law to receive and carry a report, certificate or certified copy of any statement relating to the result of any election, who wilfully mutilates, tears, defaces, obliterates or destroys the same, or does any other act which prevents the delivery of it as required by law; and a person who takes away from such messenger any such report, certificate or certified copy, with intent to prevent its delivery, or who wilfully does any injury or other act in this section specified, is punishable by imprisonment in a state prison not exceeding five years.

[Penal Code § 649, as amended by L. 1892, Ch. 662, § 24.]

§ 1430. Property in house of worship. A person, who wilfully and without authority, breaks, defaces or otherwise injures any house of religious worship, or any part thereof, or any appurtenance thereto, or any book, furniture, ornament, musical instrument, article of silver or plated ware, or other chattel kept therein for use in connection with religious worship, is guilty of felony.

[Penal Code § 650.]

§ 1431. Interference with gas or electric meters or steam valves. A person who wilfully with intent to injure or defraud:

1. Connects a tube, pipe, wire or other instrument or contrivance with a pipe or wire used for the conducting or supplying illuminating gas, fuel, natural gas or electricity in such a manner

as to supply such gas or electricity to any burner, orifice, lamp or motor where the same is or can be burned or used without passing through the meter or instrument provided for registering the quantity consumed, or uses such gas or electricity obtained by reason of the making of such connection; or,

2. Obstructs, alters, injures or prevents the action of a meter or other instrument used to measure or register the quantity of illuminating fuel, natural gas or electricity consumed in a house or apartment, or at an orifice or burner, lamp or motor, or by a consumer or other person or a person other than a state inspector or deputy inspector of gas meters or an employee of the company owning any gas or electric meter, who wilfully shall detach or disconnect such meter, or make or report any test of, or examine for the purpose of testing any such meter so detached or disconnected; or,

3. In any manner whatever, changes, extends or alters any service or other pipe, wire or attachment of any kind, connecting or through which natural or artificial gas or electricity is furnished from the gas mains or pipes or wires of any person, company or corporation without first procuring from said person, company or corporation written permission to make such change, extension or alterations, or uses gas or electricity obtained by reason of such changes, extensions or alterations without first procuring the written permission aforesaid; or,

4. Makes any connection or re-connection with the gas mains, service pipes or wires of any person, company or corporation furnishing to consumers natural or artificial gas or electricity, or turns on or off or in any manner interferes with any valve or stopcock or other appliances belonging to such person, company or corporation and connected with its service or other pipes or wires, or enlarges the orifice of mixers, or uses natural gas for heating purposes except through mixers, or uses electricity or artificial gas for any purpose before it has passed through an instrument for measuring the quantity consumed, without first procuring from such person, company or corporation a written permit to turn on or off such stopcock or valve, or to make such connections or re-connections, or to enlarge the orifice of mixers or to use for heating purposes without mixers, or to interfere with the valves, stopcocks, wires, or other appliances of such person, company or corporation as the case may be; or,

5. Retains possession of or refuses to deliver any mixer or mixers, meter or meters, lamp or lamps, or other appliances which may be or may have been loaned or rented to them by any person, company or corporation for the purpose of furnishing gas, electricity or power through the same, or who sells, loans or in any

manner disposes of the same to any person or persons other than the said person, company or corporation entitled to the possession of the same; or,

6. Sets on fire any gas escaping from wells, broken or leaking mains, pipes, valves or other appliances used by any person, company or corporation, in conveying gas to consumers, or interferes in any manner with the wells, pipes, mains, gateboxes, valves, stopcocks, wires, cables, conduits, or any other appliances, machinery or property of any person, company or corporation engaged in furnishing gas to consumers unless employed by or acting under the authority and direction of such person, company or corporation; or,

7. Opens or causes to be opened or re-connects or causes to be re-connected any valve lawfully closed or discontinued by a district steam corporation; or,

8. Turns on steam or causes it to be turned on, or to re-enter any premises when the same has been lawfully stopped from entering such premises,

Is guilty of a misdemeanor.

[Penal Code § 651, as amended by L. 1888, Ch. 219, § 1; L. 1892, Ch. 692, § 1; L. 1892, Ch. 699, § 1; L. 1893, Ch. 692, § 1; L. 1900, Ch. 589, § 1; L. 1906, Ch. 453, § 1.]

§ 1432. Unlawful interference with water meters, water service pipes and their connections. A person who, wilfully, with intent to injure or defraud:

1. Breaks or defaces, or causes to be broken or defaced, the seal of a water meter; or,

2. Obstructs, alters, injures or prevents, or causes to be obstructed, altered, injured or prevented, the action of any such meter or other instrument used to measure or register the quantity of water supplied to or consumed by any person, corporation or company; or,

3. Makes or causes to be made any connection by means of pipe, conduit or otherwise with the water main or service pipe of any person, corporation or company furnishing water to consumers, in such manner as to take water from said main or service pipe without its passing through the meter or other instrument provided for registering or measuring the amount or quantity of water taken from said main or service pipe; or,

4. Makes any connection or re-connection with the water main or service pipe of any person, corporation or company furnishing water to consumers, or turns on or off, or in any manner interferes with any valve, stopcock or other appliance belonging to said person, corporation or company, without obtaining from such

person, corporation or company a written permit to make such connection or re-connection or to turn or otherwise interfere with said valve, stopcock or other appliance; or,

5. Prevents, by the erection of any device or construction, or by any other means, free access to any such meter by the person, company or corporation furnishing such water; or interferes, obstructs or prevents, by any means, the reading or inspection of such meter,

Is guilty of a misdemeanor.

[Penal Code § 651a, added by L. 1902, Ch. 333, § 1.]

§ 1433. Injury to property, how punished. A person who unlawfully and wilfully destroys or injures any real or personal property of another, or who without authority or permission from a person who has the right to give such authority or permission, loosens any brake or blocking of any car standing on any railroad track in this state, or without like authority or permission, puts upon or runs any hand car, or other car, on any railroad track in this state, or without like authority or permission, interferes or meddles with any brake or coupling of any car while standing or moving on any railroad track in this state, or takes any part therein, in a case where the punishment is not specially prescribed by statute, is punishable as follows:

1. If the value of the property destroyed, or the diminution in the value of the property by the injury is more than twenty-five dollars, by imprisonment for not more than four years.

2. In any other case, by imprisonment for not more than six months, or by a fine of not more than two hundred and fifty dollars, or by both such fine and imprisonment.

3. And in addition to the punishment prescribed therefor, he is liable in treble damages for the injury done, to be recovered in a civil action by the owner of such property, or the public officer having charge thereof.

[Penal Code § 654, as amended by L. 1892, Ch. 186, § 1.]

§ 1434. Placing injurious substances on roads. Whoever, with intent to prevent the free use of a cycle thereon, shall throw, drop or place, or shall cause or procure to be thrown, dropped or placed, in or upon any cycle path, avenue, street, sidewalk, alley, road, highway or public place, any glass, tacks, nails, pieces of metal, brier, thorn or other substance which might injure or puncture any tire used on a cycle, or which might wound, disable or injure any person using such cycle, shall be guilty of a misdemeanor, and on conviction be fined not less than five nor more than fifty dollars.

[Penal Code § 654-a, added by L. 1896, Ch. 304, § 1.]

[See note 731]

§ 1435. Injuring property of United States coast and geodetic survey. If any person shall wilfully deface, injure, or remove any signal, monument, building, or other property of the United States coast and geodetic survey, constructed or used under or by virtue of the act[s] of congress passed the tenth day of February, eighteen hundred and seven, and of the supplements thereto, [aforesaid,] he shall forfeit a sum not exceeding fifty dollars for each offense, and shall be liable for damages sustained by the United States in consequence of such defacing, injury or removal, to be recovered in an action on the case in any court of competent jurisdiction.

[L. 1905, Ch. 380, § 5.]

[REFERENCES FOR OTHER SUBJECTS:

Manslaughter, *see* Homicide.

Manufactures; prohibited on Sunday, *see* Sabbath, § 2146.]

ARTICLE 136

Marriages

Section 1450. Solemnizing unlawful marriages.

§ 1450. Solemnizing unlawful marriages. A minister or magistrate who solemnizes a marriage when either of the parties is known to him to be under the age of legal consent, or to be an idiot or insane person, or a marriage to which within his knowledge a legal impediment exists, is guilty of a misdemeanor. Until a marriage has been dissolved or annulled by a proper tribunal or court of competent jurisdiction, any person who shall assume to grant a divorce, in writing, purporting to divorce husband and wife and permitting them or either of them to lawfully marry again, shall be guilty of a misdemeanor punishable by fine for the first offense not exceeding five hundred dollars, and for the second offense one thousand dollars, or imprisonment not exceeding one year, or both such fine and imprisonment.

[Penal Code § 376, as amended by L. 1893, Ch. 461, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Marriage; within certain degrees of consanguinity, *see* Incest, § 1110.]

ARTICLE 138

Married Women

Section 1460. Presence of husband no defense.

§ 1460. Presence of husband no defense. It is not a defense, to a married woman charged with crime, that the alleged criminal act was committed by her in the presence of her husband.

[Penal Code § 24.]

[REFERENCES FOR OTHER SUBJECTS:

Masquerades, *see* Disguises.

Measures, *see* Weights and Measures.

Mechanical employments; prohibited on Sunday, *see* Sabbath, § 2146.]

ARTICLE 140

Meetings

Section 1470. Disturbing lawful meetings.

1471. *Leaving state with intent to elude provisions of this article.*

1472. *Witnesses' privilege.*

§ 1470. Disturbing lawful meetings. A person who, without authority of law, wilfully disturbs any assembly or meeting, not unlawful in its character, is guilty of a misdemeanor.

[Penal Code § 448.]

§ 1471. Leaving state with intent to elude pro-[See note 81]
visions of this article. A person who leaves the state, with intent to elude any provision of this [title] article, or to commit any act without the state, which is prohibited by this [title] article, or who, being a resident of this state, does any act without the state, which would be punishable by the provisions of this [title] article, if committed within the state, is guilty of the same offense and subject to the same punishment, as if the act had been committed within this state.

[Penal Code § 461.]

[See note 98] **§ 1472. Witnesses' privilege.** No person shall be excused from giving evidence upon an investigation or prosecution for any of the offenses specified in this [title] article upon the ground that the evidence might tend to convict him of a crime. But such evidence shall not be received against him upon any criminal proceeding.
[Penal Code § 469.]

[REFERENCES FOR OTHER SUBJECTS:

Meetings: *See also* Riots, §§ 2092-2094.

Anarchistic, *see* Anarchy, § 162.

For purpose of increasing wages, *see* General Provisions, § 43.

Menace, *see* Coercion.

Messages, orders and proclamations; false, *see* Frauds and Cheats, § 944.

Messenger boys not to be sent to certain places, *see* Children, § 488.

Meters; interference with, *see* Malicious Mischief, § 1431.]

ARTICLE 142

Military

Section 1480. Depriving members of national guard of employment.

1481. *Discrimination against members of national guard.*

1482. *Drugging person for enlistment.*

1483. *Seizing military stores belonging to the state.*

1484. *Converting military property; unlawfully wearing uniform.*

1485. *Introduction of spirituous or malt liquors into arsenal or armory.*

1486. *Unlawfully exacting toll of a member of the national guard.*

1487. *Failure to respond to military duty.*

§ 1480. Depriving members of national guard of employment. A person who, either by himself or with another, wilfully deprives a member of the national guard of his employment, or prevents his being employed by himself or another, or obstructs or annoys said member of said national guard, or his employer, in respect of his trade, business, or employment, because said member of said national guard is such member, or

dissuades any person from enlistment in the said national guard by threat of injury to him in case he shall so enlist, in respect of his employment, trade, or business, is guilty of a misdemeanor.

[Penal Code § 171b, added by L. 1903, Ch. 349, § 1.]

§ 1481. Discrimination against members of national guard. No association or corporation, constituted or organized for the purpose of promoting the success of the trade, employment, or business of the members thereof, shall by any constitution, rule, by-law, resolution, vote, or regulation, discriminate against any member of the national guard of the state of New York, because of such membership in respect of the eligibility of such member of the said national guard to membership in such association or corporation, or in respect of his right to retain said last mentioned membership; it being the purpose of this section and the section immediately preceding to protect a member of the said national guard from disadvantage in his means of livelihood and liberty therein but not to give him any preference or advantage on account of his membership of said national guard. A person who aids in enforcing any such provisions against a member of the said national guard with the intent to discriminate against him because of such membership, is guilty of a misdemeanor.

[Penal Code § 171c, added by L. 1903, Ch. 349, § 1.]

§ 1482. Drugging person for enlistment. A person who administers any drug or stupefying substance to another, with the intent, while such person is under the influence thereof, to induce such person to enter the military or naval service of the United States, of this state, or any other state, country or government, is guilty of a misdemeanor.

[Penal Code § 447.]

§ 1483. Seizing military stores belonging to the state. A person who enters any fort, magazine, arsenal, armory, arsenal yard or encampment, and seizes or takes away any arms, ammunition, military stores or supplies belonging to the people of this state; and a person who enters any such place with intent so to do, is punishable by imprisonment in a state prison not exceeding ten years.

[Penal Code § 484.]

§ 1484. Converting military property; unlawfully wearing uniform. Any person who shall secrete, sell, dispose of, offer for sale, purchase, retain after demand made by a [See note 74]

commissioned officer of the national guard, or in any manner pawn or pledge any arms, uniforms or equipments, issued under the provisions of the military [code] law, and any person not a member of the national guard, except members of organizations specially authorized to do so by the military [code] law, who shall wear any uniform or designation of grade similar to those in use by the national guard, issued or authorized under the provisions of said [code] law, is guilty of a misdemeanor.

[Penal Code § 674b, added by L. 1894, Ch. 551, § 2.]

§ 1485. Introduction of spirituous or malt liquors into arsenal or armory. Any person who introduces any wine, spirituous or malt liquors into any arsenal or armory, except when prescribed for medical purposes by a medical officer of the national guard, is guilty of a misdemeanor.

[Penal Code § 674c, added by L. 1894, Ch. 551, § 2.]

§ 1486. Unlawfully exacting toll of a member of the national guard. Any person, master or keeper of a toll-gate, toll-bridge or ferry, or any person in charge thereof who wilfully hinders or delays any member of the national guard or refuses free passage to any such member going to or returning from any parade, encampment, drill or meeting which he may be by law required to attend, or wilfully hinders, delays or refuses free passage to any conveyance or military property of the state in charge of a member of said guard, is guilty of a misdemeanor.

[Penal Code § 674d, added by § 1894, Ch. 551, § 2.]

§ 1487. Failure to respond to military duty. Every member of an independent military organization not regularly organized as an organization of the national guard, who fails to respond or to do military duty, or refuses to enlist when lawfully called upon to do so by the commander-in-chief, in cases of emergency or necessity, is guilty of a misdemeanor.

[Penal Code § 674e, added by L. 1894, Ch. 551, § 2.]

[REFERENCES FOR OTHER SUBJECTS:

Military: County clerk falsely marking person "exempt,"
see Public Offices and Officers, § 1858.

Punishments preserved, see General Provisions, § 39.

Property; injuring, see Malicious Mischief, § 1425.

Mines and quarries, see Labor.

[REFERENCES FOR OTHER SUBJECTS — Continued:

- Minors; sentence of imprisonment, *see* Sentence, §§ 2186, 2194.
- Misdemeanor: Definition of, *see* Definitions, § 2.
- Punishment of when not fixed by statute, *see* Punishment, § 1937.
- Misappropriation: By county treasurer, *see* Public Offices and Officers, § 1867.
- By public officers, *see* Public Offices and Officers, § 1865.
- Mitigation of punishment, *see* Punishment, § 1939.
- Mock auctions, *see* Frauds and Cheats, § 943.
- Moneyed corporations, *see* Banking, §§ 290-302.
- Monuments; injuring, *see* Malicious Mischief, § 1423.
- Morbid criminal propensity; no defense, *see* General Provisions, § 34.
- Morphine selling, *see* Public Health, § 1745.
- Murder, *see* Homicide.
- Name; conducting business under an assumed, *see* Business and Trade, § 440.
- Narcotics; possession of, *see* Public Health, § 1752.]

ARTICLE 144

Navigation

Section 1500. Offenses against the navigation law.

- 1501. *Unlicensed piloting.*
- 1502. *Acting as port-warden without authority.*
- 1503. *Using net or weir unlawfully in Hudson river.*
- 1504. *Lights upon swing bridges.*
- 1505. *Interfering with navigation.*
- 1506. *Wilfully destroying vessel.*
- 1507. *Fitting out or lading any vessel with intent to wreck the same.*
- 1508. *Making false manifest.*
- 1509. *Destroying invoice.*

§ 1500. Offenses against the navigation law. Any [See note 75] person having the charge, command or control of a steamboat or vessel who:

1. Permits a line used for the purpose of landing or receiving passengers, to be attached in any way to the machinery of any steamboat, or permits a small boat used for the purpose of landing or receiving passengers to be hauled by means of such machinery; or,
2. Carries or permits a steamboat to carry a greater number of passengers than is stated in the certificate of such steamboat issued under the navigation law; or,

3. Wilfully violates any of the provisions of section eleven of the navigation law, relating to the sailing rules; or,

4. Neglects to carry and show on a vessel the lights required by section twelve of the navigation law; or,

5. Neglects to carry on a vessel the life boats and life preservers required by sections fourteen and fifteen of the navigation law; or,

6. Neglects to carry on a vessel the steam fire pump required by section thirteen of the navigation law; or,

7. Intentionally loads or obstructs or causes to be loaded or obstructed in any way the safety valve of the boiler of any steamboat or naphtha launch, or employs any other means or device whereby the boiler of such vessel may be subjected to a greater pressure than is allowed by the inspectors' certificate, or intentionally deranges or hinders the operation of any machinery or device employed to denote the stage of the water or steam in any boiler or to give warning of approaching danger, or intentionally permits the water to fall below the prescribed low water limit of the boiler; or,

8. Acts or permits another person to act as officer of a vessel without having the license required by section seventeen of the navigation law, except as permitted by the provisions of section thirty of the navigation law; or,

9. Uses or permits to be used in lamps, lanterns or other lights, on a vessel, any oil which will not stand a fire test of at least three hundred degrees Fahrenheit; or,

10. After employing a steam vessel for towing, receives any commission or compensation for orders given to the owner, captain or agent of any vessel for towage; or interferes with or hinders any such owner, captain or agent, while in the prosecution of his business; or,

11. Neglects to cause the dampers in the pipes or chimneys of a steamboat to be closed, or to otherwise prevent the escape of sparks and coals therefrom while passing near any of the villages or cities situated on the Hudson river, or while landing or receiving passengers or freight, or while lying at the docks or wharves thereof; or,

[Is guilty of a misdemeanor.]

12. **[A person who]** Violates any other provision of the navigation law for which no other punishment is prescribed, Is guilty of a misdemeanor.

[Penal Code §§ 359-a, 359-b, added by L. 1897, Ch. 584, §§ 1, 2.]

§ 1501. Unlicensed piloting. A person other than a lawfully authorized branch Hell Gate pilot who pilots or offers to pilot or tows or offers to tow any boat or vessel (except barges, vessels under fifty-five tons burthen, and canal boats actually used in navigating the canals) through that part of the East river, commonly called Hell Gate, is guilty of a misdemeanor. But no pilotage shall be charged to any vessel under a coasting license, on entering or departing from the port of New York by way of the East river called Hell Gate unless such vessel actually employs a pilot, and the making of such [such] charge or demand without such employment shall be deemed a misdemeanor.

[The last] This section does not apply to vessels propelled wholly or partly by steam, owned or belonging to citizens of the United States, and licensed and engaged in the coasting trade.

[Penal Code § 398, as amended by L. 1882, Ch. 384, § 1; same, § 399.]

§ 1502. Acting as port-warden without authority. A person who not being a port-warden, assumes or undertakes to act as such, or undertakes the performance of any of the duties prescribed by law, as pertaining to the office of port-warden; and a person who knowingly employs any other than the wardens for the performance of such duties, and a person who issues any certificate of a survey on vessels, materials or goods damaged, with intent to avoid the provisions of any statute, is guilty of a misdemeanor.

[Penal Code § 400.]

§ 1503. Using net or weir unlawfully in Hudson river. A person, who uses any net or weir for setting or attaching nets, or a pole or other fixture in any part of the [river] Hudson river, except as permitted by statute, is guilty of a misdemeanor.

[Penal Code § 433.]

§ 1504. Lights upon swing bridges. A corporation, company or individual, owning, maintaining or operating a swing bridge across the Hudson river, who during the navigation season between sundown and sunrise, neglects to keep and maintain upon every such bridge the lights required by law, is guilty of a misdemeanor.

[Penal Code § 433a, added by L. 1893, Ch. 692, § 2.]

§ 1505. Interfering with navigation. A person who throws, or causes, or permits to be thrown, from any boat, scow, or other vessel, or in any other manner, into any of the navigable

waters of this state, including bays, sounds and harbors, any earth, ashes, cinders, stone, or other material, or who builds any structure therein, which will in any manner lessen the depth of such waters, or interfere with the free and safe navigation thereof, is guilty of a misdemeanor.

[Penal Code § 444.]

§ 1506. Wilfully destroying vessel. A person, who wrecks, burns, sinks, scuttles, or otherwise injures or destroys a vessel, or the cargo of a vessel, or wilfully permits the same to be wrecked, burned, sunk, scuttled, or otherwise injured or destroyed, with intent to prejudice or defraud an insurer or any other person, is punishable by imprisonment for not more than five years.

[Penal Code § 575.]

§ 1507. Fitting out or lading any vessel with intent to wreck the same. A person who fits out any vessel, or who lades any cargo on board of a vessel, [who] with intent to permit or cause the same to be wrecked, sunk or otherwise injured or destroyed, and thereby to defraud or prejudice an insurer or another person, is punishable by imprisonment in the state prison not exceeding ten years.

[Penal Code § 576, as amended by L. 1892, Ch. 662, § 18.]

§ 1508. Making false manifest. A person, guilty of preparing, making or subscribing, a false or fraudulent manifest, invoice, bill of lading, ship's register or protest, with intent to defraud another, is punishable by imprisonment in a state prison not exceeding three years, or by a fine not exceeding one thousand dollars, or both.

[Penal Code § 577.]

§ 1509. Destroying invoice. A person, who wilfully destroys or suppresses an invoice, bill of lading, or any other document, writing, or thing whatever, which tends to show the ownership of wrecked property, is guilty of a misdemeanor.

[Penal Code § 437.]

[REFERENCES FOR OTHER SUBJECTS:

Navigation: Altering or showing false lights, *see* Malicious Mischief, § 1422.

Generating unsafe degree of steam, *see* Public Safety, § 1892.

Injury to buoy or beacon, *see* Malicious Mischief, § 1423.

Injury to vessel or equipment, *see* Malicious Mischief, § 1425.

Intoxicated steamboat employees, *see* Railroads, § 1984.

Overloading passenger vessel, *see* Public Safety, § 1890.

[REFERENCES FOR OTHER SUBJECTS — Continued:

Neglect of duties of office, *see* Public Offices and Officers, §§ 1841, 1857.

Negligent; negligently, definition, *see* Construction of Terms, § 3.]

ARTICLE 146**Negotiable Instruments**

Section 1520. Notes given for patent-rights.

1521. Notes given for a speculative consideration.

§ 1520. Notes given for patent-rights. A person who takes, sells or transfers a promissory note or other negotiable instrument, knowing the consideration of such note or instrument to consist in whole or in part, of the right to make, use or sell any patent invention or inventions, or any invention claimed or represented to be patented, without having the words "given for a patent-right" written or printed legibly and prominently on the face of such note or instrument above the signature thereto, is guilty of a misdemeanor.

[Penal Code § 384m, added by L. 1897, Ch. 613, § 1.]

§ 1521. Notes given for a speculative consideration. A person who takes, sells or transfers a promissory note or other negotiable instrument, knowing the consideration of such note or instrument to consist in whole or in part of the purchase price of any farm product at a price greater by four or more times than the fair market value of the same product at the time in the locality, or in which the consideration shall be in whole or in part, membership of and rights in an association, company or combination to produce or sell any farm product at a fictitious rate, or of a contract or bond to purchase or sell any farm product at such rate, without having the words "given for a speculative consideration," or other words clearly showing the nature of the consideration prominently and legibly written or printed on the face of such note or instrument above the signature thereof, is guilty of a misdemeanor.

[Penal Code § 384n, added by L. 1897, Ch. 613, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Negotiable instruments: Fraud in obtaining, *see* Frauds and Cheats, § 937.

Larceny of, *see* Stealing, §§ 2262, 2274.

[REFERENCES FOR OTHER SUBJECTS — Continued:]

Newspapers: *See also* Libel.

Misrepresenting circulation, *see* Frauds and Cheats, § 946.

Soliciting money as consideration for supporting, candidate, *see* Elective Franchise, § 775.]

ARTICLE 148**Nuisances**

Section 1530. Public nuisance defined.

1531. *Unequal damage.*

1532. *Maintaining nuisance.*

1533. *Permitting use of building for nuisance; opium smoking.*

§ 1530. Public nuisance defined. A “public nuisance” is a crime against the order and economy of the state, and consists in unlawfully doing an act, or omitting to perform a duty, which act or omission:

1. Annoys, injures or endangers the comfort, repose, health or safety of any considerable number of persons; or,

2. Offends public decency; or,

3. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, a lake, or a navigable river, bay, stream, canal or basin, or a stream, creek or other body of water which has been dredged or cleared at public expense, or a public park, square, street or highway; or,

4. In any way renders a considerable number of persons insecure in life, or the use of property.

[Penal Code § 385; subd. 3 as amended by L. 1901, Ch. 367, § 1.]

§ 1531. Unequal damage. An act which affects a considerable number of persons, in either of the ways specified in the last section, is not less a nuisance because the extent of the damage is unequal.

[Penal Code § 386.]

§ 1532. Maintaining nuisance. A person who commits or maintains a public nuisance, the punishment for which is not specially prescribed, or who wilfully omits or refuses to per-

form any legal duty relating to the removal of such a public nuisance, is guilty of a misdemeanor.

[Penal Code § 387.]

§ 1533. Permitting use of building for nuisance; opium smoking. A person who:

1. Lets, or permits to be used, a building, or portion of a building, knowing that it is intended to be used for committing or maintaining a public nuisance; or,

2. Opens or maintains a place where opium, or any of its preparations, is smoked by other persons; or,

3. At such place sells or gives away any opium, or its said preparations, to be there smoked or otherwise used; or,

4. Visits or resorts to any such place for the purpose of smoking opium or its said preparations,

Is guilty of a misdemeanor.

[Penal Code § 388, as amended by L. 1889, Ch. 8, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Nuisances: *See also* Gambling, § 972.

Horse racing, *see* Gambling, § 987.

Lottery, *see* Lotteries, § 1371.

Obscene exhibitions, books and prints, *see* Indecency.

Offenses; application of penal law to prior offenses, *see* General Provisions, § 38.

Offices of insurance companies, *see* Insurance, §§ 1195-1197.

Offices and officers, *see* Public Offices and Officers.

Oils; unauthorized manufacture, sale and use, *see* Public Safety, § 1902.

Operas; producing without owner's consent, *see* Business and Trade, § 441.

Opium: Selling, *see* Public Health, § 1745.

Smoking, *see* Nuisances, § 1533.

Orders and societies, *see* Societies and Orders.]

ARTICLE 150

Oysters

Section 1550. Non-resident taking or planting oysters.

1551. Use of certain dredges.

§ 1550. Non-resident taking or planting oysters.

A person, who not being at the time an actual inhabitant and resident of this state, plants oysters in the waters of this state, without the consent of the owner of the same, or of the shore, or

gathers oysters or other shell fish from their beds of natural growth, in any such waters on his own account or for his own benefit, or the benefit of a non-resident employer, is guilty of a misdemeanor, punishable by imprisonment not exceeding six months, or by a fine not exceeding one hundred dollars, or both.

[Penal Code § 441.]

§ 1551. Use of certain dredges. A person who uses a dredge or drag operated by steam, or any dredge or drag weighing over thirty pounds for the purpose of catching, or taking oysters or other shell fish from beds of natural growth in the waters of this state is guilty of a misdemeanor.

[Penal Code § 442, as amended by L. 1888, Ch. 526, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Oysters; injury to, *see* Malicious Mischief, § 1425.

Parties to crimes, *see* General Provisions, § 26.

Partnership: Fictitious copartnership names, *see* Frauds and Cheats, § 924.

Frauds in limited partnerships, *see* Frauds and Cheats, § 920.]

ARTICLE 152

Passage Tickets

Section 1560. Company defined.

1561. *Certain sales and exchanges of passage tickets prohibited.*

1562. *Redemption of unused passage tickets.*

1563. *Advertising as agent, without written authorization; false or misleading information.*

1564. *Issuance of order or other instrument securing passage by vessel from foreign port to this state; what to contain.*

1565. *Punishment for violation of two preceding sections.*

1566. *Street surface railroad transfer tickets not to be given away or sold.*

1567. *Offices kept for unlawful sale of passage tickets declared disorderly houses.*

1568. *Owners, pursers and clerks allowed to sell tickets.*

1569. *Station masters, conductors and agents allowed to sell tickets.*

1570. *What must be stated in passage ticket.*

1571. *Sale of tickets not filled out, a misdemeanor.*

§ 1560. Company defined. The term "company," as used in this [chapter] article, includes all corporations, whether created under the laws of this state, or of the United States, or of those of any other state or nation.

[Penal Code § 627.]

§ 1561. Certain sales and exchanges of passage tickets prohibited. A person who:

1. Sells, or causes to be sold, a passage ticket, or order for such ticket on any railway, vehicle, or vessel, to any [emigrant] immigrant passenger at a higher rate than one and a quarter cents per mile; or,

2. Takes payment for any such ticket or order for a ticket under a false representation as to the class of the ticket, whether [emigrant] immigrant or first-class; or,

3. Directly or indirectly, by means of false representations, purchases or receives from an [emigrant] immigrant passenger any such ticket; or,

4. Procures or solicits any such passenger having such a ticket, to exchange the same for another [passenger] passage ticket, or to sell the same and purchase some other [passenger] passage ticket; or,

5. Solicits or books any passenger arriving at the port of New York from a foreign country, before such passenger has left the vessel on which he has arrived, or enters or goes on board any vessel arriving at the port of New York from a foreign country, having [emigrant] immigrant passengers on board, for the purpose of soliciting or booking such passengers, and a person or agent of a corporation employing any person for the purpose of booking such passengers before leaving the ship,

Is guilty of a misdemeanor.

[Penal Code § 626.]

[§ 615. Sale of passage tickets on vessels and rail-roads forbidden except by agents specially authorized.] (See note 76) No person shall issue or sell, or offer to sell, any passage ticket, or an instrument giving or purporting to give any right, either absolutely or upon any condition or contingency to a passage or conveyance upon any vessel or railway train, or a berth or stateroom in any vessel, unless he is an authorized agent of the owners or consignees of such vessel, or of the company running such train, except as allowed by sections six hundred and sixteen

and six hundred and twenty-two; and no person is deemed an authorized agent of such owners, consignees or company, within the meaning of the chapter, unless he has received authority in writing therefor, specifying the name of the company, line, vessel or railway for which he is authorized to act as agent, and the city, town or village together with the street and street number, in which his office is kept, for the sale of tickets.】

[See note 76] **【§ 616. Sales by authorized agents restricted.** No

person, except as allowed in section six hundred and twenty-two, shall ask, take or receive any money or valuable thing as a consideration for any passage or conveyance upon any vessel or railway train, or for the procurement of any ticket or instrument giving or purporting to give a right, either absolutely or upon a condition or contingency, to a passage or conveyance upon a vessel or railway train, or a berth or stateroom on a vessel, unless he is an authorized agent within the provisions of the last section; nor shall any person, as such agent, sell or offer to sell, any such ticket, instrument, berth or stateroom, or ask, take or receive any consideration for any such passage, conveyance, berth or stateroom, excepting at the office designated in his appointment, nor until he has been authorized to act as such agent according to the provisions of the last section, nor for a sum exceeding the price charged at the time of such sale by the company, owners or consignees of the vessel or railway mentioned in the ticket.

Nothing in this section or chapter contained shall prevent the properly authorized agent of any transportation company from purchasing from the properly authorized agent of any other transportation company a ticket for a passenger to whom he may sell a ticket to travel over any part of the line for which he is the properly authorized agent, so as to enable such passenger to travel to the place or junction from which his ticket shall read.】

[See note 76] **§ 1562. Redemption of unused passage tickets.**

Every person who shall have purchased a passage ticket from an authorized agent of a railroad company, which shall not have been used, or shall have been used only in part, may, within thirty days after the date of the sale of said ticket, present the same, unused or partly used, for redemption, at the general office of the railroad company which issued said ticket, or at the ticket office where said ticket was sold, or at the ticket office at the point to which the ticket has been used. If said ticket, wholly unused, shall be presented for redemption at the ticket office where sold, the same shall be then and there redeemed by the agent in charge

of said ticket office at the price paid for said ticket. If said ticket, partly used, shall be presented for redemption at the ticket office where sold, or at the ticket office at the point to which used, the ticket agent at either of said offices, upon the delivery of said ticket, shall issue to the holder thereof a receipt, properly describing said ticket and setting forth the date of the receipt of said ticket, and the name of the person from whom received, and shall thereupon forthwith transmit said ticket for redemption to the general office. It shall be the duty of every railroad company to redeem tickets presented for redemption, as in this section provided for, promptly and within not to exceed thirty days from the date of presentation at the general office or from the date of the aforesaid receipt. A wholly unused ticket shall be redeemed at the price paid therefor. A partly used ticket shall be redeemed at a rate which shall be equal to the difference between the price paid for the whole ticket and the cost of a ticket of the same class between the points for which said ticket was actually used. Mileage books shall be redeemed within thirty days after the date of the expiration thereof in the same manner. Every railroad company which shall wrongfully refuse redemption, as in this section provided for, shall forfeit to the aggrieved party fifty dollars, which sum may be recovered, together with the amount of redemption money to which the party is entitled, in an action in any court of competent jurisdiction, together with costs; but no such action can be maintained unless commenced within one year after the cause of action accrued.

[Penal Code § 616, pt., as amended by L. 1897, Ch. 506, § 2.]

§ 1563. Advertising as agent, without written authorization; false or misleading information. No person issuing, selling or offering to sell any passage ticket or any instrument giving or purporting to give any right, either absolutely or upon any condition or contingency, to a passage or conveyance upon any vessel, or a berth or stateroom in any vessel, shall hold himself out to be or advertise himself in any way as the agent of the owners or consignees of such vessel or line, unless he has received authority in writing therefor, specifying the name of the company, line or vessel for which he is authorized to act as agent and the city, town or village, together with the street, and street number in which his office is kept for the sale of tickets, and unless such written authorization is conspicuously displayed in such office. Provided that this section shall not apply to the sale of passage tickets on board any such vessel or to the offices of the actual owners or consignees of such vessel.

No person issuing, selling or offering to sell any such passage ticket or instrument giving or purporting to give any such right to passage or conveyance shall give any false or misleading information in regard to said passage ticket or instrument or line over which such passage is sold, or as to his agency for such line or vessel.

[Penal Code § 616a, added by L. 1907, Ch. 546, § 1.]

§ 1564. Issuance of order or other instrument securing passage by vessel from foreign port to this state; what to contain. No person agreeing to furnish or secure for any other person, for a consideration, passage by vessel from any foreign port to any port in this state shall issue any advice, order, certificate or other instrument purporting to entitle one or more persons to a passage ticket or other evidence of a right of passage, unless every such advice, order, certificate or instrument shall be signed or countersigned by a duly appointed agent as provided in section [six hundred and sixteen-a] fifteen hundred and sixty-three, of the vessel or line over which said advice, order, certificate or other instrument is held out to be good to secure such passage ticket or other evidence of a right of passage. Every such order, advice, certificate or other instrument and every receipt for money paid for or on account of any such advice, order, certificate or other instrument, shall contain a statement of the amount paid or to be paid for such passage; the name, address and age of the person [or persons] for whom intended; the name of the company or line, if any, to which the vessel on which passage is to be made belongs; the place from which such passage is to commence; the place where such passage is to terminate; the name of the person [or persons] purchasing such advice, order, certificate or other instrument, and such advice, order, certificate or other instrument must be signed by the person who issues it.

[Penal Code § 616b, added by L. 1907, Ch. 546, § 1.]

§ 1565. Punishment for violation of two preceding sections. Any person violating any of the provisions of section [six hundred and sixteen-a] fifteen hundred and sixty-three, or [six hundred and sixteen-b] fifteen hundred and sixty-four, shall be guilty of a misdemeanor and for a second or further violation shall be guilty of a felony.

[Penal Code § 616c, added by L. 1907, Ch. 546, § 1.]

[§ 617. No person other than an agent appointed, as provided ^[See note 77] in section six hundred and fifteen, shall sell, or offer to sell, or in any way attempt to dispose of any order, certificate, receipt or other instrument for the purpose, or under the pretense, of procuring any ticket, or instrument mentioned in section six hundred and fifteen, upon any company or line, vessel or railway train therein mentioned. And every such order sold or offered for sale by any agent, must be directed to the company, owners or consignees at their office.]

[§ 618. Punishment for violation of the preceding ^[See note 77] **sections.** A person guilty of a violation of any of the provisions of the preceding sections of this chapter is punishable by imprisonment in a state prison not exceeding two years, or imprisonment in a county jail not exceeding six months.]

[§ 619. Conspiring to sell passage tickets in viola- ^[See note 77] **tion of law.** All persons who conspire together to sell or attempt to sell to any person any passage ticket, or other instrument mentioned in sections six hundred and fifteen and six hundred and seventeen, in violation of those sections, and all persons, who, by means of any such conspiracy obtain, or attempt to obtain, any money or other property, under the pretense of procuring or securing any passage or right of passage in violation of this chapter, are punishable by imprisonment in a state prison not exceeding five years.]

[§ 620. Conspirators may be indicted notwith- ^[See note 77] **standing object of conspiracy has not been accomplished.** Persons guilty of violating the last section may be indicted and convicted for a conspiracy, though the object of such conspiracy has not been executed.]

§ 1566. Street surface railroad transfer tickets not to be given away or sold. No transfer ticket or written or printed instrument giving, or purporting to give, the right of transfer to any person [or persons] from a public conveyance operated upon one line or route of a street surface railroad to a public conveyance upon another line or route of a street surface railroad, or from one car to another car upon the same line of street surface railroad, shall be issued, sold or given except to a passenger lawfully entitled thereto. Any person who shall issue, sell or give away such a transfer ticket or instrument as aforesaid to a person [or persons] not lawfully entitled thereto, and any

person [or persons] not lawfully entitled thereto who shall receive and use or offer for passage any such transfer ticket or instrument, or shall sell or give away such transfer ticket or instrument to another with intent to have such transfer ticket used or offered for passage after the time limited for its use shall have expired, shall be guilty of a misdemeanor.

[Penal Code § 619a, added by L. 1898, Ch. 663, § 1.]

[See note 78] **§ 1567. Offices kept for unlawful sale of passage tickets declared disorderly houses.** All offices kept for the purpose of selling passage tickets in violation of any of the provisions of this [chapter] article, and all offices where any such sale is made, are deemed disorderly houses; and all persons keeping any such office, and all persons associating together for the purpose of violating any of the provisions of this [chapter] article, are punishable by imprisonment in a county jail for a period not exceeding six months.

[Penal Code § 621, as amended by L. 1892, Ch. 662, § 23.]

[See note 78] **§ 1568. Owners, pursers and clerks allowed to sell tickets.** The provisions of this [chapter] article do not prevent the actual owners or consignees of any vessel, from selling passage tickets thereon; nor do they prevent the purser or clerk of any vessel from selling in his office on board of such vessel, any passage ticket upon such vessel.

[Penal Code § 622.]

[See note 78] **§ 1569. Station masters, conductors and agents allowed to sell tickets.** The provisions of this [chapter] article do not prevent the station master or other ticket agent upon any railway, from selling in his office at any station on such railway, any passage tickets upon such railway; nor do they prevent any conductor upon a railway from selling such tickets upon the trains of such railway.

[Penal Code § 623.]

§ 1570. What must be stated in passage ticket. A ticket or instrument issued as evidence of a right of passage upon the high seas, from any port in this state, to any port of any other state or nation, and every certificate or order issued for the purpose, or under pretense of procuring any such ticket or instrument, and every receipt for money paid for such ticket or instrument must state the name of the vessel on board of which

the passage is to be made, the name of the owners or consignees of such vessel, the name of the company, or line, if any, to which such vessel belongs, the place from which such passage is to commence, the place where such passage is to terminate, the day of the month and year upon which the voyage is to commence, the name of the person [or persons] purchasing such ticket or instrument, or receiving such order, certificate or receipt, and the amount paid therefor; and such ticket or instrument, order, certificate or receipt, unless sold or issued by the owners or consignees of such vessel, must be signed by their authorized agent.

[Penal Code § 624.]

§ 1571. Sale of tickets not filled out, a misdemeanor. A person who issues, sells or delivers to another, any ticket, instrument, certificate, order or receipt, which is not made or filled out as prescribed in the last section, is guilty of a misdemeanor.

[Penal Code § 625.]

[REFERENCES FOR OTHER SUBJECTS:

Passage tickets: Forging, *see* Forgery, § 891.

Larceny of, *see* Stealing, §§ 2262, 2274.

Patent-right notes, *see* Negotiable Instruments, § 1520.]

ARTICLE 154

Pawnbrokers

Section 1590. Pawnbroking without a license.

1591. *Refusing to exhibit stolen goods to owner.*

1592. *Selling before time to redeem.*

§ 1590. Pawnbroking without a license. A person, who carries on the business of a pawnbroker, by receiving goods in pledge for loans at a rate of interest above that allowed by law, except by virtue of a license from a municipal corporation or other authority empowered to grant licenses to pawnbrokers, is guilty of a misdemeanor.

[Penal Code § 353.]

§ 1591. Refusing to exhibit stolen goods to owner. A pawnbroker, or person carrying on the business of a pawnbroker, or a junk dealer, who having received any goods which have been

embezzled or stolen, refuses or omits to exhibit them, upon demand, during the usual business hours, to the owner of said goods or his agent authorized to demand an inspection thereof, is guilty of a misdemeanor.

[Penal Code § 354.]

§ 1592. Selling before time to redeem. A pawnbroker who sells any article received by him in pledge, before the time to redeem the same has expired, or who wilfully refuses to disclose the name of the purchaser and the price received by him for any article received by him in pledge, and subsequently sold, is guilty of a misdemeanor. No pawnbroker shall transact any pawnbroking business or advance any moneys upon goods pawned or received except between the hours of seven o'clock a. m., and six o'clock p. m., on week days, excepting on Saturday, and then only between the hours of seven o'clock a. m., and twelve o'clock midnight, nor shall any business be transacted by pawnbrokers as such between the hours of twelve o'clock midnight on Saturday and seven o'clock a. m. on Monday, and every violation of these prohibitions is a misdemeanor.

[Penal Code § 355, as amended by L. 1893, Ch. 709, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Peace officers; special to be citizens, *see* Public Offices and Officers, § 1845.]

ARTICLE 156

Peddlers

Section 1610. Unlicensed peddlers.

§ 1610. Unlicensed peddlers. A person who is found trading as a peddler without a license, or contrary to the terms of his license, or who refuses to produce his license on demand of any officer or citizen is guilty of a misdemeanor.

[Penal Code § 384e, added by L. 1896, Ch. 551, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Penalty: For act for which no punishment is expressly provided, *see* General Provisions, § 43.

Where none is provided in statute, *see* General Provisions, § 29.]

ARTICLE 158**Perjury and Subornation of Perjury***Section 1620. Perjury.*

- 1621. *Irregularities in the mode of administering oaths no defense.*
- 1622. *Swearing falsely in any form, perjury.*
- 1623. *Incompetency of witness no defense for perjury.*
- 1624. *Witness' knowledge of materiality of his testimony not necessary.*
- 1625. *Making of deposition or certificate, when deemed complete.*
- 1626. *Statement of that which one does not know to be true.*
- 1627. *Contradictory statements under oath.*
- 1628. *Summary committal of witnesses who have committed perjury.*
- 1629. *Witnesses necessary to prove the perjury may be bound over to appear.*
- 1630. *Documents necessary to prove such perjury may be detained.*
- 1631. *Witnesses' testimony.*
- 1632. *Subornation of perjury defined.*
- 1633. *Punishment of perjury and subornation of perjury.*
- 1634. *Official interpreters of city court of city of New York.*

§ 1620. Perjury. A person who swears or affirms that he will truly testify, declare, depose, or certify, or that any testimony, declaration, deposition, certificate, affidavit or other writing by him subscribed, is true, in an action, or a special proceeding, or upon any hearing, or inquiry, or on any occasion in which an oath is required by law, or is necessary for the prosecution or defense of a private right, or for the ends of public justice, or may lawfully be administered, and who in such action or proceeding, or on such hearing, inquiry or other occasion, wilfully and knowingly testifies, declares, deposes, or certifies falsely, in any material matter, or states in his testimony, declaration, deposition, affidavit, or certificate, any material matter to be true which he knows to be false, is guilty of perjury.

[Penal Code § 96.]

§ 1621. Irregularities in the mode of administering oaths no defense. It is no defense to a prosecution for perjury that an oath was administered or taken in an irregular manner. The term "oath," includes an affirmation, and every other mode authorized by law of attesting the truth of that which is stated.

[Penal Code § 97.]

§ 1622. Swearing falsely in any form, perjury. A person swearing, affirming, or declaring, in any form, where an oath is authorized by law, is lawfully sworn, and is guilty of perjury, in a case where he would be guilty of the same crime, if he had sworn by laying his hand upon the Gospels.

[Code Civil Procedure § 851, as amended by L. 1899, Ch. 340, § 4.]

§ 1623. Incompetency of witness no defense for perjury. It is no defense to a prosecution for perjury that the defendant was not competent to give the testimony, deposition or certificate of which falsehood is alleged. It is sufficient that he actually was permitted to give such testimony or make such deposition or certificate.

[Penal Code § 98.]

§ 1624. Witness' knowledge of materiality of his testimony not necessary. It is no defense to a prosecution for perjury that the defendant did not know the materiality of the false statement made by him; or that it did not in fact affect the proceeding in or for which it was made. It is sufficient that it was material, and might have affected such proceeding.

[Penal Code § 99.]

[See note 79] **§ 1625. Making of deposition or certificate, when deemed complete.** The making of a deposition or certificate is deemed to be complete, within the provisions of this [chapter] article, from the time when it is delivered by the defendant to any other person with intent that it be uttered or published as true.

[Penal Code § 100.]

§ 1626. Statement of that which one does not know to be true. An unqualified statement of that which one does not know to be true is equivalent to a statement of that which he knows to be false.

[Penal Code § 101.]

§ 1627. Contradictory statements under oath. In any prosecution for perjury the falsity of the testimony or statement set forth in the indictment shall be presumptively established by proof that the defendant has testified, declared, deposed or certified under oath to the contrary thereof in any other written testimony, declaration, deposition, certificate, affidavit or other writing by him subscribed.

[Penal Code § 101a, added by L. 1906, Ch. 324, § 1.]

§ 1628. Summary committal of witnesses who have committed perjury. Where it appears probable to a court of record that a person, who has testified before it in an action or proceeding in that court, has committed perjury in any testimony so given, the court may immediately commit him, by an order or process for that purpose, to prison, or take a recognizance, with sureties, for his appearing and answering to an indictment for perjury.

[Penal Code § 102.]

§ 1629. Witnesses necessary to prove the perjury may be bound over to appear. In a case specified in the last section, the court may bind over witnesses to establish the perjury, to appear at the proper court to testify before a grand jury, and also upon the trial, in case an indictment is found for the perjury. It must cause immediate notice of any such commitment or recognizance, with the names of the witnesses so bound over, to be given to the district attorney of the county.

[Penal Code § 103.]

§ 1630. Documents necessary to prove such perjury may be detained. In such a case, if a paper or document, produced by either party, is deemed by the court necessary to be used in the prosecution for the perjury, the court may detain the same, and direct it to be delivered to the district attorney.

[Penal Code § 104.]

§ 1631. Witnesses' testimony. The sections of this [code] chapter which declare that evidence obtained upon the examination of a person as a witness shall not be received against him in a criminal proceeding, do not forbid such evidence being proved against such person upon any charge of perjury committed in such examination.

[Penal Code § 712.]

§ 1632. Subornation of perjury defined. A person, who wilfully procures or induces another to commit perjury, is guilty of subornation of perjury.

[Penal Code § 105.]

§ 1633. Punishment of perjury and subornation of perjury. Perjury and subornation of perjury are each punishable as follows:

1. When the perjury is committed upon the trial of an indictment for felony, by imprisonment for a term not exceeding twenty years;

2. In any other case, by imprisonment for a term not exceeding ten years.

[Penal Code § 106, as amended by L. 1892, Ch. 662, § 1.]

§ 1634: Official interpreter of city court of city of New York. If an official interpreter of the city court of the city of New York, knowingly and wilfully, falsely interprets any evidence, matter or thing, between a witness and the court, or a justice thereof, in the course of an action or special proceeding, he is guilty of perjury.

[Code Civil Procedure § 334, as amended by L. 1907, Ch. 707, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Perjury; bribing to commit, *see* Evidence, § 813.

Person; injury to, for which no punishment is expressly provided, *see* General Provisions, § 43.

Petit larceny, *see* Stealing, §§ 2268, 2269.

Petit treason, *see* Homicide, § 1040.

Photographs of prisoners after unsuccessful prosecution, *see* Civil Rights, § 516.

Physicians: Acts while intoxicated, *see* Public Health, § 1761.

Acts while intoxicated resulting in death, *see* Homicide, § 1052.

Pilots; unlicensed piloting, *see* Navigation, § 1501.

Poison; selling without labeling and recording, *see* Public Health, § 1743.

Poisoning: Animals, *see* Animals, § 190.

Food, *see* Public Health, § 1760.

Policy playing, *see* Gambling, §§ 974-977.

[REFERENCES TO OTHER SUBJECTS — Continued:]

Political assessments, *see* Elective Franchise, § 774.

Pool selling, *see* Gambling, § 986.

Poor; neglect of duty by poor officers, *see* Public Offices and Officers, § 1843.]

ARTICLE 160**Poor Persons***Section 1650. Unlawful removal of poor person.*

§ 1650. Unlawful removal of poor person. Any person who shall send, remove or entice to remove, or bring, or cause to be sent, removed or brought, any poor or indigent person, from any city, town or county, to any other city, town or county without legal authority, and there leave such person for the purpose of avoiding the charge of such poor or indigent person upon the city, town or county, from which he is so sent, removed or brought or enticed to remove, shall be guilty of a misdemeanor, and on conviction, shall be imprisoned not exceeding six months, or fined not exceeding one hundred dollars, or both.

[Penal Code § 675a, added by L. 1896, Ch. 550, § 2.]

[REFERENCES FOR OTHER SUBJECTS:]

Port-warden; unauthorized acting as, *see* Navigation, § 1502.

Presumptions: Dangerous weapons; possession of, *see* Public Safety, § 1898.

Knowledge of corporate condition and assent thereto by officers and directors, *see* Corporations, § 667.

Malice, *see* Libel, § 1322.

Narcotics and anæsthetics, *see* Public Safety, § 1752.

Principal; definition of, *see* Definitions, § 2; *also* General Provisions, § 26.]

ARTICLE 162**Prisoners***Section 1690. Definitions.*

1691. *Communication with prisoners prohibited.*

1692. *Rescue of a prisoner.*

1693. *Escaping prisoner may be recaptured.*

1694. *Prisoner escaping.*

Section 1695. Attempt to escape from state prison.

1696. Aiding escape.

1697. Suffering prisoner to escape.

1698. Misdemeanor for sheriff or keeper to fail to keep certain prisoners confined.

1699. Concealing escaped prisoner.

[See note 80.] **§ 1690. Definitions.** *Definition of prison.* The term, "prison," as used in this [chapter] article, means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest.

Definition of prisoner. The term, "prisoner," as used in this [chapter] article, means any person held in custody under process of law, or under lawful arrest.

[Penal Code §§ 92, 93.]

§ 1691. Communication with prisoners prohibited.

A person who:

1. Not being authorized by law visits any state prison, reformatory, penitentiary, county jail or other place for the detention of persons convicted of crime or communicates with any prisoner therein without the consent of the agent or warden, superintendent, keeper, sheriff or other person having charge thereof or without such consent brings into or conveys out of a state prison, reformatory, penitentiary, county jail or other place for the detention of persons convicted of crime, any letter, information or writing to or from any prisoner; or,

2. Conveys into or takes from such prison, reformatory, penitentiary, county jail or other place for the detention of persons convicted of crime, or who personally or through any other person or persons gives, sells, furnishes or otherwise delivers to any prisoner or prisoners in custody any drug, liquor or any article prohibited by law or by the rules of the superintendent, keeper, sheriff, board of managers or other person, or official having charge or control thereof,

Is guilty of a misdemeanor.

[Penal Code § 160, as amended by L. 1893, Ch. 692, § 1; L. 1903, Ch. 333, § 1.]

§ 1692. Rescue of a prisoner. A person who, by force or fraud, rescues a prisoner from lawful custody, or from an officer or other person having him in lawful custody, is guilty of a felony, if the prisoner was held upon a charge, commit-

ment, arrest, conviction, or sentence of felony; and if the prisoner was held upon a charge, arrest, commitment, conviction, or sentence for misdemeanor, the rescuer is guilty of a misdemeanor.

[Penal Code § 82.]

§ 1693. Escaping prisoner may be recaptured. A prisoner, in custody under sentence of imprisonment for any crime, who escapes from custody, may be recaptured and imprisoned for a term equal to that portion of his original term of imprisonment which remained unexpired upon the day of his escape.

[Penal Code § 84.]

§ 1694. Prisoner escaping. A prisoner who, being confined in a prison, or being in lawful custody of an officer or other person, by force or fraud escapes from such prison or custody, is guilty of felony if such custody or confinement is upon a charge, arrest, commitment, or conviction for a felony; and of a misdemeanor if such custody or confinement is upon a charge, arrest, commitment or conviction for a misdemeanor.

[Penal Code § 85.]

§ 1695. Attempt to escape from state prison. A prisoner confined in a state prison for a term less than for life, who attempts by force or fraud, although unsuccessfully, to escape from such prison, is guilty of felony.

[Penal Code § 86.]

§ 1696. Aiding escape. A person who, with intent to effect or facilitate the escape of a prisoner, whether the escape is effected or attempted or not, enters a prison, or conveys to a prisoner any information, or sends into a prison any disguise, instrument, weapon, or other thing, is guilty of felony, if the prisoner is held upon a charge, arrest, commitment, or conviction for a felony; and of a misdemeanor, if the prisoner is held upon a charge, arrest, commitment, or conviction for a misdemeanor.

A person who aids or assists a prisoner in escaping, or attempting to escape, from the lawful custody of a sheriff, or other officer or person, is guilty of a misdemeanor, if the prisoner is held under arrest, commitment, or conviction for a misdemeanor, or upon a charge thereof; and of a felony if the prisoner is held under an arrest, commitment, or conviction for a felony, or upon a charge thereof.

[Penal Code §§ 87, 88.]

§ 1697. Suffering prisoner to escape. A sheriff, or other officer or person, who allows a prisoner, lawfully in his custody, in any action or proceeding, civil or criminal, or in any prison under his charge or control, to escape or go at large, except as permitted by law, or connives at or assists such escape, or omits an act or duty whereby such escape is occasioned, or contributed to, or assisted, is

1. If he corruptly and wilfully allows, connives at, or assists the escape, guilty of a felony;

2. In any other case, is guilty of a misdemeanor.

An officer who is convicted of the offense specified in the first subdivision of [the last] this section, forfeits his office, and is forever disqualified to hold any office, or place of trust, honor or profit, under the constitution or laws of this state.

[Penal Code §§ 89, 90.]

§ 1698. Misdemeanor for sheriff or keeper to fail to keep certain prisoners confined. A sheriff or keeper of a jail who suffers [such] a prisoner who has been committed for contempt, or for misconduct in a case prescribed by law, to go or be at large out of his jail, except by virtue of a writ of habeas corpus, or by the special direction of the court committing him, or in a case specially prescribed by law, is guilty of a misdemeanor.

[Code Civil Procedure § 157, pt.]

§ 1699. Concealing escaped prisoner. A person who knowingly or wilfully conceals, or harbors for the purpose of concealment, a person who has escaped or is escaping from custody, is guilty of a felony if the prisoner is held upon a charge or conviction of felony, and of a misdemeanor if the person is held upon a charge or conviction of misdemeanor.

[Penal Code § 91.]

[REFERENCES FOR OTHER SUBJECTS:

Prisoners: Aiding in escape when county is in insurrection, *see* Public Offices and Officers, § 1850.

Delay by officer to take before magistrate, *see* Public Offices and Officers, § 1844.

Minors not to have tobacco, *see* Children, § 489.

Permitting escape by ministerial officers, *see* Public Offices and Officers, § 1839.

[REFERENCES TO OTHER SUBJECTS — Continued:

Re-confining person discharged upon writ, *see* Public Justice, § 1788.

Private papers; opening or publishing, *see* Communications, § 553.

Privileged communications, *see* Communications.]

ARTICLE 164**Prize-Fighting and Sparring**

Section 1710. Prize-fighting and sparring.

1711. *What constitutes a challenge.*

1712. *Betting or stakeholding on fight.*

1713. *Fight out of state.*

1714. *Place of trial.*

1715. *Apprehension of persons about to fight.*

1716. *Witnesses' privilege.*

§ 1710. Prize-fighting and sparring. A person who, within this state, engages in, instigates, aids, encourages or does any act to further a contention, or fight, without weapons, between two or more persons, or a fight commonly called a ring or prize-fight, either within or without the state, or who engages in a public or private sparring exhibition, with or without gloves, within the state, at which an admission fee is charged or received, either directly or indirectly, or who sends or publishes a challenge, or acceptance of a challenge for such a contention, exhibition or fight, or carries or delivers such a challenge or acceptance, or trains or assists any person in training or preparing for such a contention, exhibition or fight, is guilty of a misdemeanor.

[Penal Code § 458, as amended by L. 1896, Ch. 301, § 1; L. 1900, Ch. 270, § 1.]

§ 1711. What constitutes a challenge. Any words spoken or written, or any signs uttered or made to any person, expressing or implying, or intended to express or imply a desire, request, invitation or demand to engage in any fight, such as is mentioned in section [four hundred and fifty-eight,] seventeen hundred and ten, are to be deemed a challenge within the meaning of that section.

[Penal Code § 459.]

§ 1712. Betting or stakeholding on fight. A person who bets, stakes, or wagers money or other property, upon the

result of such a fight or encounter, or who holds or undertakes to hold money or other property so staked or wagered, to be delivered to or for the benefit of the winner thereof, is guilty of a misdemeanor.

[Penal Code § 460.]

[See note 81] **§ 1713. Fight out of state.** A person who leaves the state, with intent to elude any provision of this [title] article, or to commit any act without the state, which is prohibited by this [title,] article, or who, being a resident of this state, does any act without the state, which would be punishable by the provisions of this [title,] article, if committed within the state, is guilty of the same offense and subject to the same punishment, as if the act had been committed within this state.

[Penal Code § 461.]

§ 1714. Place of trial. An indictment for an offense, specified in the last section, may be tried in any county within the state.

[Penal Code § 462.]

§ 1715. Apprehension of persons about to fight. A magistrate having power to issue warrants in criminal cases, to whom it is made to appear that there is reasonable ground to apprehend that an offense specified in sections [four hundred and fifty-eight, four hundred and sixty and four hundred and sixty-one] seventeen hundred and ten, seventeen hundred and twelve and seventeen hundred and thirteen is about to be committed within his jurisdiction, or by any person being within his jurisdiction, must issue his warrant to a sheriff or constable, or other proper officer, for the arrest of the person [or persons] so about to offend. Upon a person being arrested and brought before him by virtue of the warrant, he must inquire into the matter, and, if it appears that there is reasonable ground to believe that the person arrested is about to commit any offense, the magistrate must require him to give a bond to the people of the state in such a sum, not exceeding one thousand dollars, as the magistrate may fix, either with or without sureties in his discretion, conditioned that such person will not, for one year thereafter, commit any such offense.

If the person arrested[, as prescribed in the last section,] does not furnish a bond [as prescribed therein], within a time fixed by the magistrate, the latter must commit him to the county jail, there to remain until discharged by a court of record having criminal jurisdiction. A person so committed may, at any time,

be discharged upon a writ of habeas corpus, upon his executing the bond required by the committing magistrate. If the bond is required to be given with one or more sureties, the surety or sureties must be approved by the officer taking the same.

[Penal Code §§ 463, 464.]

§ 1716. Witnesses' privilege. No person shall be ex-[See note 98] cused from giving evidence upon an investigation or prosecution for any of the offenses specified in this [title] article, upon the ground that the evidence might tend to convict him of a crime. But such evidence shall not be received against him upon any criminal proceeding.

[Penal Code § 469.]

[REFERENCES FOR OTHER SUBJECTS:

Process: Officers refusing or neglecting to execute, *see* Public Offices and Officers, § 1840.

Refusing to aid officer in executing, *see* Public Offices and Officers, § 1848.

Resisting execution when county is in insurrection, *see* Public Offices and Officers, § 1850.

Processions and parades on Sunday, *see* Sabbath, § 2151.

Promissory notes, *see* Negotiable Instruments.

Property: Injury to; for which no punishment is expressly provided, *see* General Provisions, § 43.

Injury to, *see* Malicious Mischief.

Taking from custody of officer, *see* Public Offices and Officers, § 1873.

Prosecution; how regulated, *see* General Provisions, § 41.

Prostitution: *See also* Abduction, § 70.

Compulsory, *see* Women, § 2460.

House of; definition, *see* Construction of Terms, § 3.

Public decency; acts against, for which no punishment is expressly provided, *see* General Provisions, § 43.

Public funds; false rumors regarding, *see* Frauds and Cheats, § 926.]

ARTICLE 166

Public Health

Section 1740. Wilful violation of health laws.

1741. *Obstructing health officer in performance of his duty.*

1742. *Omitting to label drugs, or labeling them wrongly.*

Section 1743. Selling poison without labeling, and recording the sale.

1744. *Penalty for violation of public health law.*

1745. *Regulations as to prescriptions of opium and morphine.*

1746. *Sale of cocaine or eucaine.*

1747. *Careless distribution of medicines, drugs and chemicals.*

1748. *Adulterated goods.*

1749. *Adulteration of natural fruit juices.*

1750. *Disposing of tainted food.*

1751. *Violations of agricultural law.*

1752. *Having narcotics in possession.*

1753. *Articles in imitation of food.*

1754. *Putting noisome or unwholesome substances in highway.*

1755. *Obstructing passage of ambulance.*

1756. *Exposing person affected with a contagious disease in a public place.*

1757. *Spraying fruit trees with poison.*

1758. *Contamination of salt wells.*

1759. *Throwing gas tar or refuse into public waters.*

1760. *Wilfully poisoning food.*

1761. *Acts of intoxicated physicians.*

1762. *Misconduct of veterinary surgeons.*

1763. *Illegal practice of embalming.*

§ 1740. Wilful violation of health laws.

1. A person who wilfully violates or refuses or omits to comply with any lawful order or regulation prescribed by any local board of health or local health officer, is guilty of a misdemeanor.

2. A person who wilfully violates any provision of the health laws, or any regulation lawfully made or established by any public officer or board under authority of the health laws the punishment for violating which is not otherwise prescribed by those laws, or by this [code] chapter, is punished by imprisonment not exceeding one year, or by a fine not exceeding two thousand dollars or by both.

[Penal Code § 397, as amended by L. 1905, Ch. 443, § 1.]

§ 1741. Obstructing health officer in performance of his duty. A person who wilfully opposes or obstructs a health officer or physician charged with the enforcement of the health laws, in performing any legal duty, is guilty of a misdemeanor.

[Penal Code § 396.]

§ 1742. Omitting to label drugs, or labeling them [See note 82]
wrongly. Any person, who, in putting up any drug, medicine, or food or preparation used in medical practice, or making up any prescription, or filling any order for drugs, medicines, food or preparation puts any untrue label, stamp or other designation of contents upon any box, bottle or other package containing a drug, medicine, food or preparation used in medical practice, or substitutes or dispenses a different article for or in lieu of any article prescribed, ordered, or demanded, or puts up a greater or less quantity of any ingredient specified in any such prescription, order or demand than that prescribed, ordered, or demanded, or otherwise deviates from the terms of the prescription, order, or demand by substituting one drug for another, is guilty of a misdemeanor; provided, however, that, except in the case of physicians' prescriptions, nothing herein contained shall be deemed or construed to prevent or impair or in any manner affect the right of an apothecary, druggist, pharmacist or other person to recommend the purchase of an article other than that ordered, required or demanded, but of a similar nature, or to sell such other article in place or in lieu of an article ordered, required or demanded, with the knowledge and consent of the purchaser. Upon a second conviction for a violation of this section the offender must be sentenced to imprisonment, for a term of not less than ten days nor more than one year, and to the payment of a fine of not less than ten dollars nor more than five hundred dollars. The third conviction of a violation of any of the provisions of this section, in addition to rendering the offender liable to the penalty prescribed by law for a misdemeanor; shall forfeit any right which he may possess under the law of this state at the time of such conviction, to engage as proprietor, agent, employee or otherwise, in the business of an apothecary, pharmacist, or druggist, or to compound, prepare or dispense prescriptions or orders for drugs, medicines or foods or preparations used in medical practice; and the offender shall be by reason of such conviction disqualified from engaging in any such business as proprietor, agent, employee or otherwise or compounding, preparing or dispensing medical prescriptions or orders for drugs, medicines, or foods or preparations used in medical practice.

[2.] This [act] section shall not affect or impair any liability, penalty or punishment under the provisions of section four hundred and one of the penal code as the same existed prior to [the time this act takes effect] September first, nineteen hundred and seven, but the same may be enforced, prosecuted or inflicted as

fully and to the same extent as though this [act] section had not been passed; and all actions civil or criminal instituted under or by virtue of said section as the same existed prior to [the passage of this act] July nineteenth, nineteen hundred and seven, and pending immediately prior to [the taking effect hereof] September first, nineteen hundred and seven, may be prosecuted and defended to final effect in the same manner as though this [act] section had not been [passed] enacted.

The provisions of this section [four hundred and one] shall not apply to the practice of a practitioner of medicines who is not the proprietor of a store for the dispensing or retailing of drugs, medicines and poisons, or who is not in the employ of such a proprietor, and shall not prevent practitioners of medicine from supplying their patients with such articles as they may deem proper, and except as to the labeling of poisons shall not apply to the sale of medicines or poisons at wholesale when not for the use or consumption of the purchaser; provided, however, that the sale of medicines or poisons at wholesale shall continue to be subject to such regulations as from time to time may be lawfully made by the board of pharmacy or by any competent board of health.

[Penal Code § 401, as amended by L. 1905, Ch. 442, § 1; L. 1907, Ch. 649, § 1. Same, § 403, added by L. 1905, Ch. 442, § 4. New matter, L. 1907, Ch. 649, § 2.]

§ 1743. Selling poison without labeling, and recording the sale. It shall be unlawful for any person to sell at retail or furnish any of the poisons named in the schedules hereinafter set forth, without affixing or causing to be affixed, to the bottle, box, vessel or package, a label containing the name of the article and the word "poison" distinctly shown, with the name and place of business of the seller, all printed in red ink, together with the name of such poisons printed or written thereupon in plain, legible characters, which schedules are as follows, to wit:

Schedule A. Arsenic, cyanide of potassium, hydrocyanic acid, cocaine, morphine, strychnia and all other poisonous vegetable alkaloids and their salts, oil of bitter almonds, containing hydrocyanic acid, opium and its preparations, except paregoric and such others as contain less than two grains of opium to the ounce.

Schedule B. Aconite, belladonna, cantharides, colchicum, co-

nium, cotton root, digitalis, ergot, hellebore, henbane, phyto-lacca, strophanthus, oil of tansy, veratrum viride and their pharmaceutical preparations, arsenical solutions, carbolic acid, chloral hydrate, chloroform, corrosive sublimate, creosote, croton oil, mineral acids, oxalic acid, paris green, salts of lead, salts of zinc, white hellebore or any drug, chemical or preparation which, according to standard works on medicine or materia medica, is liable to be destructive to adult human life in quantities of sixty grains or less, and such other poisons as the state board of pharmacy, under the authority given to it by the public health law, may from time to time add to either of said schedules. Every person who shall dispose of or sell at retail or furnish any poisons included under schedule A shall, before delivering the same, make or cause to be made an entry in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name and the quantity of the poison, the purpose for which it is represented by the purchaser to be required and the name of the dispenser, such book to be always open for inspection by the proper authorities, and to be preserved for at least five years after the last entry. He shall not deliver any of said poisons without satisfying himself that the purchaser is aware of its poisonous character and that the said poison is to be used for a legitimate purpose. The foregoing portions of this section shall not apply to the dispensing of medicines or poisons on physicians' prescriptions. Wholesale dealers in drugs, medicines, pharmaceutical preparations or chemicals shall affix or cause to be affixed to every bottle, box, parcel or outer enclosure of an original package containing any of the articles enumerated under said schedule A, a suitable label or brand in red ink with the word "poison" upon it.

Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

[Penal Code § 402, as amended by L. 1905, Ch. 442, § 2.]

§ 1744. Penalty for violation of public health law.

Any person who violates any provision of article eleven of the public health law for which no other penalty is imposed, is guilty of a misdemeanor.

[Penal Code § 404, added by L. 1905, Ch. 442, § 4.]

§ 1745. Regulations as to prescriptions of opium and morphine.

A person who, except on the written or verbal order of a physician, refills more than once prescriptions containing opium, morphine or preparations of either, in which the

dose of opium exceeds one-fourth grain, or morphine one-twentieth grain, is guilty of a misdemeanor.

[Penal Code § 405a, added by L. 1893, Ch. 692, § 2, and renumbered § 405 by L. 1905, Ch. 442, § 5.]

§ 1746. Sale of cocaine or eucaïne. It shall be unlawful for any person to sell, furnish or dispose of alkaloid cocaine or its salts, or alpha or beta eucaïne or their salts or any admixture of cocaine or eucaïne, except upon the written prescription of a duly registered physician, which prescription shall be retained by the person who dispenses the same, shall be filled but once and of which no copy shall be taken by any person; except, however, that such alkaloid cocaine or its salts, and alpha or beta eucaïne or their salts may lawfully be sold at wholesale upon the written order of a licensed pharmacist or licensed druggist, duly registered practicing physician, licensed veterinarian or licensed dentist provided that the wholesale dealer shall affix or cause to be affixed to the bottle, box, vessel or package containing the article sold, and upon the outside wrapper of the package as originally put up, a label distinctly displaying the name and quantity of cocaine or its salts, alpha or beta eucaïne or their salts, sold, and the word "poison" with the name and place of business of the seller, all printed in red ink; and provided also that the wholesale dealer shall before delivering any of the articles make or cause to be made in a book kept for the purpose an entry of the sale thereof stating the date of sale, the quantity, name and form in which sold, the name and address of the purchaser, and the name of the person by whom the entry is made; and the said book shall be always open for inspection by the proper authorities and shall be preserved for at least five years after the date of the last entry made therein.

Any person who violates any of the provisions of this section shall be guilty of a felony punishable by imprisonment of not more than one year or a fine of not more than one thousand dollars, or both.

[Penal Code § 405a, added by L. 1907, Ch. 424, § 1.]

§ 1747. Careless distribution of medicines, drugs and chemicals. Any person, firm, or corporation, who distributes, or causes to be distributed, any free or trial samples of any medicine, drug, chemical or chemical compound, by leaving the same exposed upon the ground, sidewalk, porch, doorway, letter-boxes, or in any other manner, that children may become possessed of the same, shall be guilty of a misdemeanor punish-

able by a fine not exceeding twenty-five dollars for each offense, but this section shall not apply to the direct delivery of any such article to an adult.

[Penal Code § 405b, added by L. 1903, Ch. 494, § 1.]

§ 1748. Adulterated goods. A person who: **[either]** [See note 83]

1. With the intent that the same may be sold as unadulterated or undiluted, adulterates or dilutes wine, milk, distilled spirits or malt liquor, or any drug, medicine, food or drink, for man or beast; or,

2. Knowing that the same has been adulterated or diluted, offers for sale or sells the same as unadulterated or undiluted, or without disclosing or informing the purchaser that the same has been adulterated or diluted, in a case where special provision has not been made by statute, for the punishment of the offense; or,

3. Sells or offers to sell, or stores or transports with intent to sell for any purpose other than cooling beer in casks, ice cut from any canal or from the wide waters or basins of any canal, unless the ice so sold, or offered for sale or stored or transported, is contained in a building, cart, car, sleigh, float or receptacle upon which is plainly marked in roman or capital letters, not less than eight inches square, the words, "canal ice;" or,

4. Who shall adulterate maple sugar, maple syrup or honey, with glucose, cane sugar or syrup, beet sugar or syrup, or any other substance for the purpose of sale, or who shall knowingly sell or offer for sale maple sugar, maple syrup or honey that has been adulterated in any way; or, [shall be deemed guilty of a misdemeanor.]

5. Violates any provision of section **[thirty]** three hundred and ninety of the **[domestic commerce]** general business law, relating to canned and preserved food,

Is guilty of a misdemeanor.

[Penal Code § 407, as amended by L. 1889, Ch. 141, § 1; L. 1892, Ch. 634, § 1; subd. 5, added by L. 1896, Ch. 551, § 2.]

§ 1749. Adulteration of natural fruit juices. Any person who shall knowingly sell, offer or expose for sale, or give away, any compound or preparation composed, in whole or in part, of any unwholesome, deleterious or poisonous acid, or other unwholesome, deleterious or poisonous substance, as a substitute for the pure, unadulterated and unfermented juice of lemons, limes, oranges, currants, grapes, apples, peaches, plums, pears, berries, quinces, or other natural fruits, representing such compound or preparation to be the pure, unadulterated and unfermented juice

of any of such fruits; or who, in the mixing, decoction, or preparation of food or drink, shall knowingly use any such compound or preparation in the place of, or as a substitute for, the pure, unadulterated and unfermented juice of one or more of such fruits, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than two hundred and fifty dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

[Penal Code § 407a, added by L. 1899, Ch. 343, § 1.]

§ 1750. Disposing of tainted food. A person who with intent that the same may be used as food, drink, or medicine, sells, or offers or exposes for sale, any article whatever which, to his knowledge, is tainted or spoiled, or for any cause unfit to be used as such food, drink, or medicine, is guilty of a misdemeanor.

[Penal Code § 408.]

§ 1751. Violations of the agricultural law. Any person who disregards, disobeys or violates any proclamation, notice, order or regulation, lawfully issued or prescribed by the commissioner of agriculture, for the suppression or prevention of the spread of infectious or contagious diseases among domestic animals, or who violates any of the provisions of sections [eighty] three hundred and [eighty-two] three hundred and four of article [five] fifteen of the agricultural law is guilty of a misdemeanor.

[Penal Code § 408a, added by L. 1893, Ch. 692, § 2; amended by L. 1894, Ch. 426, § 2; L. 1897, Ch. 554, § 2.]

§ 1752. Having narcotics in possession. [Subdivision 1.] A person, [() other than a duly licensed physician or surgeon engaged in the lawful practice of his profession()], who has in his possession any narcotic or anæsthetic substance, compound or preparation, capable of producing stupor or unconsciousness, with intent to administer the same or cause the same to be administered to another, without the latter's consent, unless by direction of a duly licensed physician, is guilty of a felony, punishable by imprisonment in the state prison for not more than ten years.

[2.] The possession by any person, [() other than as exempted in the foregoing subdivision()], of any such narcotic or anæsthetic substance or compound, concealed or furtively car-

ried on the person, is presumptive evidence of an attempt to administer the same or cause the same to be administered in violation of the provisions of this section.

[Penal Code § 412, added by L. 1897, Ch. 42, § 1.]

§ 1753. Articles in imitation of food. A person, who sells or manufactures, exposes or offers for sale as an article of food, any substance in imitation thereof, without disclosing the imitation by a suitable and plainly visible mark or brand, is guilty of a misdemeanor.

[Penal Code § 430.]

§ 1754. Putting noisome or unwholesome substances in highway. A person, who deposits, leaves or keeps, on or near a highway or route of public travel, either on the land or on the water, any noisome or unwholesome substance, or establishes, maintains or carries on, upon or near a public highway or route of public travel, either on the land or on the water, any business, trade or manufacture which is noisome or detrimental to public health, is guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars, or by imprisonment not less than three nor more than six months, or both.

[Penal Code § 431.]

§ 1755. Obstructing passage of ambulance. A person, who wilfully stops or obstructs the passage of any ambulance or vehicle used for the transportation of sick or wounded persons or animals upon any public street, highway or place, or who wilfully injures the same, or wilfully drives any vehicle into collision therewith, is guilty of a misdemeanor. All sheriffs, constables and police officers must, when called upon by the persons in charge of such ambulance or vehicle, aid in placing sick or wounded persons or animals therein, and in enforcing the provisions of this section.

[Penal Code § 432.]

§ 1756. Exposing person affected with a contagious disease in a public place. A person, who wilfully exposes himself or another, affected with any contagious or infectious disease, in any public place or thoroughfare, except upon his necessary removal in a manner not dangerous to the public health, is guilty of a misdemeanor.

[Penal Code § 434.]

§ 1757. Spraying fruit trees with poison. Any person who shall spray with, or apply in any way poison or any poisonous substance, to fruit trees while the same are in blossom, is guilty of a misdemeanor, punishable by a fine of not less than ten dollars nor more than fifty dollars for each offense.

[L. 1898, Ch. 325.]

§ 1758. Contamination of salt wells. A person who wilfully places, introduces or causes to flow or enter into any spring, brook or body of water, which is used in the manufacture of salt, or into any salt well, or salt mine, or into any cavity or reservoir beneath the surface of the earth from which salt or brine is taken or used in the manufacture of salt, any impure or deleterious substance or thing whatsoever, which is liable to pollute the waters thereof, or the brine or salt taken or manufactured therefrom, provided that this act shall not interfere with any existing system of drainage or sewerage, is punishable by imprisonment in a penitentiary or state prison for not more than five years or by a fine of not more than two thousand dollars, or by both such fine and imprisonment.

[Penal Code § 447e, added by L. 1901, Ch. 528, § 1.]

§ 1759. Throwing gas tar or refuse into public waters. A person, who throws or deposits gas tar, or the refuse of a gas house or gas factory, or offal, refuse, or any other noxious, offensive, or poisonous substance into any public waters, or into any sewer or stream running or entering into such public waters, is guilty of a misdemeanor.

[Penal Code § 390.]

§ 1760. Wilfully poisoning food. A person who wilfully mingles poison with any food, drink or medicine, intended or prepared for the use of human beings, and a person who wilfully poisons any spring, well or reservoir of water, is punishable by imprisonment in a state prison not exceeding ten years, or in a county jail not exceeding one year, or by a fine not exceeding five hundred dollars, or both such fine and imprisonment.

[Penal Code § 358.]

§ 1761. Acts of intoxicated physicians. A physician or surgeon, or person practicing as such, who, being in a state of intoxication, administers any poison, drug or medicine, or does

any other act as a physician or surgeon, to another person, by which the life of the latter is endangered, or his health seriously affected, is guilty of a misdemeanor.

[Penal Code § 357.]

§ 1762. Misconduct of veterinary surgeons. A person who presents to a county clerk for registration as a practitioner of veterinary medicine or surgery any diploma or certificate fraudulently obtained or practices veterinary medicine and surgery without complying with or contrary to law, is guilty of a misdemeanor. This section shall not be construed to prohibit students from prescribing under the supervision of preceptors, or to prohibit gratuitous services in case of emergency, or the services of an authorized practitioner of a neighboring state when incidentally called into requisition.

[Penal Code § 356, added by L. 1893, Ch. 692, § 2.]

§ 1763. Illegal practice of embalming. Any [and [See note 84] every violation] person violating any provision of section [nine of this act] two hundred and ninety-eight of the public health law, or any of the rules and regulations in reference to the business and practice of embalming human dead bodies, made and duly approved as by [this act] article fourteen of said public health law prescribed, is [hereby declared to be] guilty of a misdemeanor.

[L. 1898, Ch. 555, § 10.]

[REFERENCES FOR OTHER SUBJECTS:

Public health; acts against, for which no punishment is expressly provided, *see* General Provisions, § 43.]

ARTICLE 168

Public Justice

- Section* 1780. *Disclosure of deposition taken by a magistrate.*
 1781. *Disclosure of depositions returned by grand jury with presentment.*
 1782. *Disclosing fact of indictment having been found.*
 1783. *Grand juror disclosing what transpired before the grand jury.*

Section 1784. Stenographer or clerk disclosing evidence taken before grand jury.

1785. Instituting suit in false name.

1786. Maliciously procuring search warrant.

1787. Combinations to resist execution of process.

1788. Re-confining person discharged upon writ.

1789. Concealing persons entitled to writ of deliverance.

1790. Liquors not to be sold in court-house during court.

1791. Bringing liquors into or selling within jails prohibited.

1792. Misconduct of officer having charge of jurors.

§ 1780. Disclosure of deposition taken by a magistrate. A magistrate or clerk of any magistrate who wilfully permits any deposition taken on an examination of a defendant before such magistrate, and remaining in the custody of such magistrate or clerk, to be inspected by any person, except a judge of a court having jurisdiction of the offense, the attorney-general, the district attorney of the county and his assistants, the complainant and his counsel, and the defendant and his counsel, is guilty of a misdemeanor.

[Penal Code § 145, as amended by L. 1888, Ch. 145, § 2.]

§ 1781. Disclosure of depositions returned by grand jury with presentment. A clerk of any court who wilfully permits any deposition returned by a grand jury and filed with such clerk, to be inspected by any person, except the court, the deputies or assistants of such clerk, and the district attorney and his assistants, until after the arrest of the defendant, is guilty of a misdemeanor.

[Penal Code § 146.]

§ 1782. Disclosing fact of indictment having been found. A judge, grand juror, district attorney, clerk, or other officer, who, except in the due discharge of his official duty, discloses, before an accused person is in custody, the fact of an indictment having been found or ordered against him, is guilty of a misdemeanor.

[Penal Code § 156.]

§ 1783. Grand juror disclosing what transpired before the grand jury. A grand juror who, except when lawfully required by a court or officer wilfully discloses[, either]:

1. Any evidence adduced before the grand jury; or,

2. Anything which he himself or any other member of the grand jury said, or in what manner he or any other grand juror voted, upon any matter before them,

Is guilty of a misdemeanor.

[Penal Code § 157.]

§ 1784. Stenographer or clerk disclosing evidence taken before grand jury. A stenographer or clerk appointed to take testimony given before a grand jury who permits any person other than the district attorney to take a copy of such testimony or of any portion thereof or to read the same or any portion thereof, except on the written order of the court, is guilty of a misdemeanor.

[Penal Code § 157a, added by L. 1893, Ch. 692, § 2. New matter, L. 1885, Ch. 348, § 6, as amended by L. 1899, Ch. 516, § 4.]

§ 1785. Instituting suit in false name. A person who institutes or prosecutes an action or other proceeding in the name of another without his consent and contrary to the statutes, is guilty of a misdemeanor, punishable by imprisonment not exceeding six months.

[Penal Code § 158.]

§ 1786. Maliciously procuring search warrant. A person who maliciously, and without probable cause, procures a search warrant to be issued and executed, is guilty of a misdemeanor.

[Penal Code § 159.]

§ 1787. Combinations to resist execution of process. A person, who enters into a combination with another to resist the execution of any legal process, or other mandate of a court of competent jurisdiction, under circumstances not amounting to a riot, is guilty of a misdemeanor. [See note 85]

A person who leaves the state, with intent to elude any provision of this [title] section, or to commit any act without the state, which is prohibited by this [title] section, or who, being a resident of this state, does any act without the state, which would be punishable by the provisions of this [title] section, if committed within the state, is guilty of the same offense and subject to the same punishment, as if the act had been committed within this state.

[See note 85] No person shall be excused from giving evidence upon an investigation or prosecution for any of the offenses specified in this **[title] section** upon the ground that the evidence might tend to convict him of a crime. But such evidence shall not be received against him upon any criminal proceeding.

[First paragraph, Penal Code § 457; second paragraph, Penal Code § 461; third paragraph, Penal Code § 469.]

§ 1788. Re-confining person discharged upon writ.

A person, who either solely, or as a member of a court, or in the execution of a judgment, order or process, knowingly re-commits, imprisons or restrains of his liberty, for the same cause, any person who has been discharged from imprisonment upon a writ of habeas corpus, or certiorari, is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars or by imprisonment not exceeding six months, or both; and in addition to the punishment prescribed therefor, he forfeits to the party aggrieved, one thousand two hundred and fifty dollars to be recovered in a civil action.

[Penal Code § 379.]

§ 1789. Concealing persons entitled to writ of deliverance. A person having in his custody or power or under his restraint, one who would be entitled to a writ of habeas corpus or certiorari, or for whose relief a writ of habeas corpus or certiorari has been issued, who, with intent to elude the service of such writ, or to avoid the effect thereof, transfers the party to the custody, or places him under the power or control of another, or conceals or changes the place of his confinement, or who without lawful excuse refuses to produce him, is guilty of a misdemeanor, punishable as prescribed in the last section.

[Penal Code § 380.]

§ 1790. Liquors not to be sold in court-house during court. Strong, spirituous, or fermented liquor, or wine, shall not, on any pretense whatever, be sold within a building established as a court-house for holding courts of record, while such a court is sitting therein. A person violating this section is guilty of a misdemeanor.

[Code Civil Procedure §§ 32, 33.]

§ 1791. Bringing liquors into or selling within jails prohibited. A person who brings into or sells in a jail, strong, spirituous, fermented, or other liquor, or wine, contrary

to the ["foregoing"] provisions of ["this article"] section three hundred and forty-nine of the prison law; or a sheriff, keeper of a jail, assistant keeper, or an officer, or person employed in or about a jail, who knowingly suffers liquor or wine to be sold or used therein, contrary to ["this article"] section three hundred and forty-nine of the prison law, is guilty of a misdemeanor, and shall be punished accordingly. A conviction also operates as a forfeiture of his office.

[Code Civil Procedure § 130.]

§ 1792. Misconduct of officer having charge of ^[See note 86]
jurors. An officer to whose charge any juror is committed by a court or magistrate, who negligently or wilfully permits ["them, or any of them,"] such juror, without leave of the court or magistrate:

1. To receive any communication from any person; or,
 2. To make any communication to any person; or,
 3. To obtain or receive any book or paper, or refreshment; or,
 4. To leave the jury room,
- Is guilty of a misdemeanor.

The word "juror" as used in this ["chapter"] section includes a talesman, and extends to jurors in all courts whether of record or not of record, and in special proceedings, and before any officer authorized to impanel a jury in any case or proceeding.

[Penal Code § 77; last paragraph, Penal Code § 81.]

[REFERENCES FOR OTHER SUBJECTS:

Public nuisance, *see* Nuisances.]

ARTICLE 170

Public Offices and Officers

Section 1820. Acting in a public office without having qualified.

1821. *Acts of officer de facto.*

1822. *Giving or offering bribes.*

1823. *Asking or receiving bribes.*

1824. *Attempting to prevent officer from performing duty.*

1825. *Resisting officer.*

- Section* 1826. *Taking unlawful fees.*
1827. *Comptroller not to be interested in tax sales.*
1828. *Prison officers not to be interested in prison contracts.*
1829. *Taking reward for omitting or delaying official acts.*
1830. *Taking fees for services not rendered.*
1831. *Taking unlawful reward for services in extradition of fugitives.*
1832. *Corrupt bargain for appointment.*
1833. *Selling right to official powers.*
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1835. *Intrusion into public office.*
1836. *Officer refusing to surrender to successor.*
1837. *Administrative officers.*
1838. *Injury to records and misappropriation by ministerial officers.*
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1840. *Neglecting or refusing to execute process.*
1841. *Provision as to neglect of duty.*
1842. *Neglect of county officer to make report.*
1843. *Neglect of duty by superintendent or overseer of the poor.*
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1845. *Special peace officers to be citizens.*
1846. *Making arrest without lawful authority.*
1847. *Misconduct in executing search warrant.*
1848. *Refusing to aid officer in making an arrest.*
1849. *Refusing to make an arrest.*
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1852. *Buying demands by a justice or constable for suit before a justice.*
1853. *Lending money upon claims delivered for collection.*
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 1863. *Auditing and paying fraudulent claims upon the state or a municipal corporation.*
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 1868. *Officials not to be interested in sales, leases or contracts.*
 1869. *County clerks omitting to publish statements required by law.*
 1870. *Obstructing officer in collecting revenue.*
 1871. *School district trustee not to draw draft on supervisor in certain cases.*
 1872. *Fraudulently presenting bills or claims to public officers for payment.*
 1873. *Taking property from officer's custody.*
 1874. *Punishment of usurper of office or franchise for refusal or neglect to deliver books and papers after judgment.*
 1875. *Neglecting to make transcripts or making false certificates.*
 1876. *Violation by sheriff of certain provisions relating to prisoners.*
 1877. *Misdemeanor for judge, justice or magistrate to permit any but attorneys to practice in his court.*

§ 1820. Acting in a public office without having qualified. A person who executes any of the functions of a public office without having taken and duly filed the required oath of office, or without having executed and duly filed the required security, as prescribed by law, is guilty of a misdemeanor [as prescribed by law].

[Penal Code § 42, as amended by L. 1893, Ch. 692, § 1.]

§ 1821. Acts of officer de facto. The last section must not be construed to affect the validity of acts done by a person exercising the functions of a public office in fact, where [other]

persons other than himself are interested in maintaining the validity of such acts.

[Penal Code § 43.]

§ 1822. Giving or offering bribes. A person who gives or offers a bribe to any executive officer of this state with intent to influence him in respect to any act, decision, vote, opinion, or other proceeding as such officer, is punishable by imprisonment in a state prison not exceeding ten years, or by fine not exceeding five thousand dollars, or by both.

[Penal Code § 44.]

§ 1823. Asking or receiving bribes. An executive officer, or person elected or appointed to an executive office, who asks, receives or agrees to receive any bribe, upon an agreement or understanding that his vote, opinion or action upon any matter then pending or which may by law be brought before him in his official capacity, shall be influenced thereby, is punishable by imprisonment in a state prison not exceeding ten years, or by a fine not exceeding five thousand dollars, or by both; and in addition thereto forfeits his office and is forever disqualified from holding any public office under this state.

[Penal Code § 45.]

§ 1824. Attempting to prevent officer from performing duty. A person who attempts, by means of any threat or violence, to deter or prevent an executive officer from performing any duty imposed upon such officer by law, is guilty of a misdemeanor.

[Penal Code § 46.]

§ 1825. Resisting officer. A person who knowingly resists, by the use of force or violence, any executive officer, in the performance of his duty, is guilty of a misdemeanor.

[Penal Code § 47.]

§ 1826. Taking unlawful fees. A public officer or a deputy, clerk, assistant or other subordinate of a public officer, or any person appointed or employed by or in the office of a public officer, who shall, in any manner act for or in behalf of any such officer, who asks or receives, or consents or agrees to receive, any emolument, gratuity or reward, or any promise of emolument, gratuity or reward, or any money, property or thing of value or of personal advantage, except such as may be authorized by law, for

doing or omitting to do any official act, or for performing or omitting to perform, or for having performed or omitted to perform any act whatsoever directly or indirectly related to any matter in respect to which any duty or discretion is by or in pursuance of law imposed upon or vested in him, or may be exercised by him by virtue of his office, or appointment or employment or his actual relation to the matter, shall be guilty of a felony, punishable by **[imprisonment]** imprisonment for not more than ten years or by a fine of not more than four thousand dollars, or both.

[Penal Code § 48, as amended by L. 1890, Ch. 336, § 1.]

§ 1827. Comptroller not to be interested in tax sales. The comptroller, or any person employed in his office, who shall be directly or indirectly interested in any tax sale made by such comptroller, or in the title acquired by such sale, or in any money paid or to be paid for the redemption of any lands sold for taxes or on the cancellation of any tax sale; or any person who shall pay or give to the state comptroller, or to any employee in his office, any compensation, reward or promise thereof for any service or services performed or to be performed in regard to such sale, redemption, cancellation or such tax title, is guilty of a misdemeanor. A sale in violation of this section is void.

[Penal Code § 48a, added by L. 1893, Ch. 692, § 2.]

§ 1828. Prison officers not to be interested in [See note 87]
prison contracts. A superintendent of state prisons, or agent, warden or other officer[, keeper] or guard, employed at either of the prisons, who:

1. Shall be directly or indirectly interested in any contract, purchase or sale, for, by, or on account of such prison; or,

2. Accepts a present from a contractor or contractor's agent, directly or indirectly, or employs the labor of a convict or another person employed in such prison on any work for the private benefit of such superintendent, officer[, keeper] or guard, is guilty of a misdemeanor, except that the agent and warden shall be entitled to employ prisoners for necessary household service.

[Penal Code § 48b, added by L. 1893, Ch. 692, § 2.]

§ 1829. Taking reward for omitting or delaying official acts. An executive officer who asks or receives any emolument, gratuity or reward, or any promise of any emolument, gratuity or reward, for omitting or deferring the performance of any official duty, is guilty of a misdemeanor.

[Penal Code § 49.]

§ 1830. Taking fees for services not rendered. An executive officer who asks or receives any fee or compensation for any official service which has not been actually rendered, except in cases of charges for prospective costs, or of fees demandable in advance in the cases allowed by law, is guilty of a misdemeanor.

[Penal Code § 50.]

§ 1831. Taking unlawful reward for services in extradition of fugitives. An officer of this state who asks or receives any fee or compensation of any kind for any services rendered or expense incurred in procuring from the governor of this state a demand upon the executive authority of a state or territory of the United States, or of a foreign government, for the surrender of a fugitive from justice; or for any service rendered or expense incurred in procuring the surrender of such fugitive, or of conveying him to this state, or for detaining him therein, except upon an employment by the governor of this state, is guilty of a misdemeanor.

[Penal Code § 51, as amended by L. 1882, Ch. 384, § 1.]

§ 1832. Corrupt bargain for appointment. A person who gives or offers to give, any gratuity or reward, in consideration that himself or any other person shall be appointed to a public office, or to a clerkship, deputation, or other subordinate position, in such an office, or shall be permitted to exercise, perform, or discharge any prerogatives or duties, or to receive any emoluments, of such an office, is guilty of a misdemeanor.

A person who asks or receives, or agrees to receive, any gratuity, or reward, or any promise thereof, for appointing another person, or procuring for another person an appointment, to a public office or to a clerkship, deputation, or other subordinate position in such an office, is guilty of a misdemeanor. If the person so offending is a public officer, a conviction also forfeits his office.

[Penal Code §§ 52, 53.]

§ 1833. Selling right to official powers. A public officer who, for any reward, consideration or gratuity, paid, or agreed to be paid, directly or indirectly, grants to another the right or authority to discharge any functions of his office, or permits another to make appointments or perform any of its duties, is guilty of a misdemeanor, and a conviction for the same forfeits his office, and disqualifies him forever from holding any office whatever under this state.

[Penal Code § 54.]

§ 1834. Appointment avoided by conviction. A grant, appointment, or deputation, made contrary to the provisions of either of the last two sections, is avoided and annulled by a conviction for the violation of either of those sections, in respect to such grant, appointment, or deputation; but any official act done before conviction, is unaffected by the conviction.

[Penal Code § 55.]

§ 1835. Intrusion into public office. A person who wilfully intrudes himself into a public office, to which he has not been duly elected or appointed, or who, having been an executive or administrative officer, wilfully exercises any of the functions of his office, after his right so to do has ceased, is guilty of a misdemeanor.

[Penal Code § 56.]

§ 1836. Officer refusing to surrender to successor. A person who, having been an executive or administrative officer, wrongfully refuses to surrender the official seal, or any books or papers, appertaining to his office, upon the demand of his lawful successor, is guilty of a misdemeanor.

[Penal Code § 57.]

§ 1837. Administrative officers. The various provisions of [this chapter] the preceding sections of this article ^[See note 88] which relate to executive officers apply to administrative officers, in the same manner as if administrative and executive officers were both mentioned.

[Penal Code § 58.]

§ 1838. Injury to records and misappropriation by ministerial officers. A sheriff, coroner, clerk of a court, constable or other ministerial officer, and every deputy or subordinate of any ministerial officer, who **[either]**:

1. Mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his office; or,

2. Fraudulently appropriates to his own use or to the use of another person, or secretes with intent to appropriate to such use, any money, evidence of debt or other property intrusted to him in virtue of his office,

Is guilty of felony.

[Penal Code § 114.]

§ 1839. Permitting escapes, and other unlawful acts, committed by ministerial officers. A sheriff, coroner, clerk of a court, constable, or other ministerial officer, and every deputy or subordinate of any ministerial officer, who [either]:

1. Receives any gratuity, or reward, or any security or promise of one, to procure, assist, connive at or permit any prisoner in his custody to escape, whether such escape is attempted or not; or,

2. Commits any unlawful act tending to hinder justice,

Is guilty of misdemeanor.

A conviction of a sheriff or other officer also operates as a forfeiture of his office, and disqualifies him forever thereafter from holding the same.

[Penal Code § 115. New matter, Code Civil Procedure § 159, pt.]

§ 1840. Neglecting or refusing to execute process.

An officer who, in violation of a duty imposed upon him by law to receive a person into his official custody, or into a prison under his charge, wilfully neglects or refuses so to do, is guilty of a misdemeanor.

[Penal Code § 116.]

§ 1841. Provision as to neglect of duty. A public officer, or person holding a public trust or employment, upon whom any duty is enjoined by law, who wilfully neglects to perform the duty, is guilty of a misdemeanor. This and [the preceding] section eighteen hundred and forty do not apply to cases of official acts or omissions the prevention or punishment of which is otherwise specially provided by statute.

[Penal Code § 117.]

[See note 89] **§ 1842. Neglect of county officer to make report.**

A county officer or an officer whose salary is paid by the county, who neglects or refuses to make a report under oath to the board of supervisors of such county on any subjects or matters connected with the duties of his office, whenever required by resolution of such board, is guilty of a misdemeanor.

[Penal Code § 177a, added by L. 1893, Ch. 692, § 2.]

§ 1843. Neglect of duty by superintendent or overseer of the poor. The county superintendents of the poor, or any overseer of the poor, whose duty it shall be to provide for the

support of any bastard and the sustenance of its mother, who shall neglect to perform such duty, shall be guilty of a misdemeanor, and shall, on conviction, be liable to a fine of two hundred and fifty dollars, or to imprisonment not exceeding one year, or by both such fine and imprisonment.

[Penal Code § 117b, added by L. 1896, Ch. 550, § 1.]

§ 1844. Delaying to take person arrested for crime before a magistrate. A public officer or other person having arrested any person upon a criminal charge, who wilfully and wrongfully delays to take such person before a magistrate having jurisdiction to take his examination, is guilty of a misdemeanor.

[Penal Code § 118.]

§ 1845. Special peace officers to be citizens. No sheriff of a county, mayor of a city, or officials, or other person authorized by law to appoint special deputy sheriffs, special constables, marshals, policemen, or other peace officers in this state, to preserve the public peace or quell public disturbance, shall hereafter, at the instance of any agent, society, association or corporation, or otherwise, appoint as such special deputy, special constable, marshal, [policemen,] policeman, or other peace officer, any person who shall not be a citizen of the United States and a resident of the state of New York, and entitled to vote therein at the time of his appointment, and a resident of the same county as the mayor or sheriff or other official making such appointment; and no person shall assume or exercise the functions, powers, duties or privileges incident and belonging to the office of special deputy sheriff, special constables, marshal or [policemen,] policeman, or other peace officer, without having first received his appointment in writing from the authority lawfully appointing him.

A violation of the provisions of this section is a misdemeanor.

[Penal Code § 119, pt., as amended by L. 1882, Ch. 384, § 1; L. 1892, Ch. 272, § 1. For remainder of section, see § 1846.]

§ 1846. Making arrest without lawful authority. Any person [or persons] who shall, in this state, without due authority, exercise, or attempt to exercise the functions of, or hold himself out to any one as a deputy sheriff, marshal, or policeman, constable or peace officer, or any public officer, or person pretending to be a public officer, who, unlawfully, under the pretense

or color of any process, arrests any person or detains him against his will, or seizes or levies upon any property, or dispossesses any one of any lands or tenements without a regular process therefor, [or any person who knowingly violates any other provision of this section,] is guilty of a misdemeanor. But nothing herein contained shall be deemed to affect, repeal or abridge the powers authorized to be exercised under sections one hundred and two, one hundred and four, one hundred and sixty-nine, one hundred and eighty-three, eight hundred and ninety-five, eight hundred and ninety-six and eight hundred and ninety-seven of the code of criminal procedure; or under [chapter three hundred and forty-six of the laws of eighteen hundred and sixty-three, as amended by chapter two hundred and fifty-nine of the laws of eighteen hundred and sixty-six, and chapter one hundred and ninety-three of the laws of eighteen hundred and seventy-five; or under chapter two hundred and twenty-three of the laws of eighteen hundred and eighty; or under chapter five hundred and twenty-seven of the laws of eighteen hundred and seventy-three; or under chapter two hundred and five of the laws of eighteen hundred and seventy-five;] section ninety of the railroad law; or under section eleven hundred and forty-seven of this chapter. [but] All places kept for summer resorts and the grounds of racing associations in the counties of New York, Kings and Westchester, are hereby exempted from the provisions of this [act] section.

[Penal Code § 119, pt., as amended by L. 1882, Ch. 384, § 1; L. 1892, Ch. 272, § 1. For remainder of section, see § 1845.]

§ 1847. Misconduct in executing search warrant.

An officer, who, in executing a search warrant, wilfully exceeds his authority, or exercises it with unnecessary severity, is guilty of a misdemeanor.

[Penal Code § 120.]

§ 1848. Refusing to aid officer in making an arrest.

A person, who, after having been lawfully commanded to aid an officer in arresting any person, or in re-taking any person who has escaped from legal custody, or in executing any legal process, wilfully neglects or refuses to aid such officer is guilty of a misdemeanor.

[Penal Code § 121.]

§ 1849. Refusing to make an arrest. A person, who, after having been lawfully commanded by any magistrate to ar-

rest another person, wilfully neglects or refuses so to do, is guilty of a misdemeanor.

[Penal Code § 122.]

§ 1850. Resisting execution of process and aiding escapes in county which has been proclaimed in insurrection. A person, who, after proclamation issued by the governor declaring a county to be in a state of insurrection, resists, or aids in resisting, the execution of process in such county, or who aids or attempts the rescue or escape of another from lawful ~~costody~~ custody or confinement in such county, or who resists, or aids in resisting, a force ordered out by the governor to quell or suppress an insurrection, is guilty of a felony.

[Penal Code § 123, as amended by L. 1882, Ch. 384, § 1.]

§ 1851. Resisting public officer in the discharge of his duty. A person who, in any case or under any circumstances not otherwise specially provided for, wilfully resists, delays, or obstructs a public officer in discharging, or attempting to discharge, a duty of his office, is guilty of a misdemeanor.

[Penal Code § 124.]

§ 1852. Buying demands by a justice or constable for suit before a justice. A justice of the peace or a constable who, directly or indirectly, buys or is interested in buying any thing in action, for the purpose of commencing a suit thereon before a justice, is guilty of a misdemeanor.

[Penal Code § 137.]

§ 1853. Lending money upon claims delivered for collection. A justice of the peace or constable who, directly or indirectly, gives, or promises to give, any valuable consideration to any person as an inducement to bring, or in consideration of having brought, a suit thereon before a justice, is guilty of a misdemeanor.

[Penal Code § 138, as amended by L. 1882, Ch. 384, § 1.]

§ 1854. Forfeiture of office. A person convicted of a violation of ~~[any of]~~ the ~~[three]~~ two preceding sections, in ^[See note 15] addition to the punishment, by fine and imprisonment, prescribed therefor by this ~~[code]~~ article, forfeits his office.

[Penal Code § 139.]

[See note 16] **§ 1855. Receiving claims, in what cases allowable.** Nothing in the ~~four~~ three preceding sections shall be construed to prohibit the receiving in payment of any thing in action for any estate, real or personal, or for any services of an attorney or counselor actually rendered, or for a debt antecedently contracted; or the buying or receiving of any thing in action for the purpose of remittance, and without any intent to violate the three preceding sections.

[Penal Code § 140.]

[See note 92] **§ 1856. Application of previous sections to persons prosecuting in person.** The provisions of sections ~~one hundred and thirty-six, one hundred and thirty-eight and one hundred and forty,~~ two hundred and seventy-four, two hundred and seventy-five, eighteen hundred and fifty-three and eighteen hundred and fifty-five, relative to the buying of claims by ~~an attorney, counselor~~ a justice of the peace or constable, with intent to prosecute them, ~~or to the lending or advancing of money by an attorney or counselor in consideration of a claim being delivered for collection,~~ apply to every case of such buying a claim, or lending or advancing money, by any person prosecuting in person an action or legal proceeding.

[Penal Code § 141, as amended by L. 1882, Ch. 384, § 1.]

§ 1857. Omission of duty by public officer. Where any duty is or shall be enjoined by law upon any public officer, or upon any person holding a public trust or employment, every wilful omission to perform such duty, where no special provision shall have been made for the punishment of such delinquency, is punishable as a misdemeanor.

[Penal Code § 154.]

§ 1858. Falsely marking enrolled person exempt. A county clerk who marks "exempt" any person enrolled as liable to military duty, whom he knows not to be exempt, is guilty of a misdemeanor.

[Penal Code § 154a, added by L. 1893, Ch. 692, § 2.]

§ 1859. Neglect to return names of constables. A town clerk who wilfully omits to return to the county clerk the name of a person who has qualified as constable, pursuant to law, is punishable by a fine not exceeding ten dollars.

[Penal Code § 161.]

§ 1860. Falsely certifying as to record of deeds and instruments. An officer authorized by law to record a conveyance of real property, or of any other instrument, which by law may be recorded, who knowingly and falsely certifies that such a conveyance or instrument has been recorded, is guilty of a felony.

[Penal Code § 162.]

§ 1861. False certificates. A public officer who, being authorized by law to make or give a certificate or other writing, knowingly makes and delivers as true such a certificate or writing, containing any statement which he knows to be false, in a case where the punishment thereof is not expressly provided by law, is guilty of a misdemeanor.

[Penal Code § 163.]

§ 1862. Penalty for recording instruments without acknowledgment. A public officer authorized to file or record any instrument or conveyance of, or affecting property which is duly proved or acknowledged, who knowingly files or records any such instrument or conveyance which is not accompanied by a certificate according to law, of the proof or acknowledgment, is guilty of a misdemeanor.

[Penal Code § 164.]

§ 1863. Auditing and paying fraudulent claims upon the state or a municipal corporation. A public officer, or a person holding or discharging the duties of any office or place of trust under the state, or in any county, town, city or village, a part of whose duty is to audit, allow or pay, or take part in auditing, allowing or paying, claims or demands upon the state, or such county, town, city or village, who knowingly audits, allows or pays, or directly or indirectly consents to, or in any way connives at the auditing, allowance or payment of any claim or demand against the state or such county, town, city or village, which is false or fraudulent, or contains charges, items or claims, which are false or fraudulent, is guilty of felony, punishable by imprisonment for a term not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

[Penal Code § 165, as amended by L. 1892, Ch. 662, § 2.]

§ 1864. Obtaining proceeds of fraudulent audit or payment. A person who, being or acting as a public officer or otherwise, by wilfully auditing, or paying, or consenting to, or

conniving at the auditing or payment of a false or fraudulent claim or demand, or by any other means, wrongfully obtains, receives, converts, disposes of or pays out or aids, or abets another in obtaining, receiving, converting, disposing of, or paying out any money or property, held, owned, or in the possession of the state, or of any city, county or village, or other public corporation, or any board, department, agency, trustee, agent or officer thereof, is guilty of a felony, punishable by imprisonment for not less than three nor more than five years, or by a fine not exceeding five times the amount or value of the money or the property converted, paid out, lost or disposed of by means of the act done or abetted by such person, or by both such imprisonment and fine. The amount of any such fine when paid or collected, shall be paid to the treasury of the corporation or body injured. A conviction under this section forfeits any office held by the offender, and renders him incapable thereafter of holding any office or place of trust.

A transfer in whole or part of any deposit with any bank or other depository, or of any credit, claim or demand upon such depository, whereby the right, title or possession of the owner or holder of such deposit, or of any custodian thereof, is impaired or affected, is a conversion thereof under [the last] this section.

[Penal Code §§ 166, 167.]

§ 1865. Misappropriation and falsification of accounts by public officers. A public officer, or a deputy, or clerk of any such officer, and any other person receiving money on behalf of, or for account of the people of this state, or of any department of the government of this state, or of any bureau or fund created by law, and in which the people of this state are directly or indirectly interested, or for or on account of any city, county, village or town, who:

1. Appropriates to his own use, or to the use of any person not entitled thereto, without authority of law, any money so received by him as such officer, clerk or deputy, or otherwise; or,

2. Knowingly keeps any false account, or makes any false entry or erasure in any account of, or relating to, any money so received by him; or,

3. Fraudulently alters, falsifies, conceals, destroys or obliterates any such account; or,

4. Wilfully omits or refuses to pay over to the people of this state or their officer or agent authorized by law to receive the same, or to such city, village, county, or town, or the proper officer or

authority empowered to demand and receive the same, any money received by him as such officer[s] when it is his duty imposed by law to pay over, or account for, the same,

Is guilty of a felony.

[Penal Code § 470.]

§ 1866. Violations of law by public officers. An officer or other person mentioned in the last section who wilfully disobeys any provision of law regulating his official conduct, in cases other than those specified in that section is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars, or imprisonment not exceeding two years, or both.

[Penal Code § 471.]

§ 1867. Misappropriation by county treasurer. A county treasurer, who wilfully misappropriates any moneys, funds or securities, received by or deposited with him as such treasurer, or who is guilty of any other malfeasance or wilful neglect of duty in his office, is punishable by a fine not less than five hundred dollars nor more than ten thousand dollars, or by imprisonment in a state prison not less than one year or more than five years, or by both such fine and imprisonment.

[Penal Code § 472.]

§ 1868. Officials not to be interested in sales, leases or contracts. A public officer or school officer, who is authorized to sell or lease any property, or to make any contract in his official capacity, or to take part in making any such sale, lease or contract, who voluntarily becomes interested individually in such sale, lease or contract, directly or indirectly, except in cases where such sale, lease or contract, or payment under the same, is subject to audit or approval by the [superintendent of public instruction] commissioner of education, is guilty of a misdemeanor.

[Penal Code § 473, as amended by L. 1888, Ch. 493, § 1; L. 1890, Ch. 220, § 1.]

§ 1869. County clerks omitting to publish statements required by law. A county clerk who wilfully omits to publish any statement required by law, within the time prescribed, is guilty of a misdemeanor, punishable by a fine of one hundred dollars, or imprisonment for six months, or both.

[Penal Code § 474.]

§ 1870. Obstructing officer in collecting revenue.

A person who wilfully obstructs or hinders a public officer from collecting any revenue, taxes or other sum of money in which, or in any part of which the people of this state are directly or indirectly interested, and which such officer is by law empowered to collect, is guilty of a misdemeanor.

[Penal Code § 475.]

§ 1871. School district trustee not to draw draft on supervisor in certain cases. A school district trustee who issues an order or draws a draft on a supervisor or collector for any money, unless there is at the time sufficient money in the hands of such supervisor or collector belonging to the district to meet such order or draft, is guilty of a misdemeanor.

[Penal Code § 485a, added by L. 1893, Ch. 692, § 2.]

§ 1872. Fraudulently presenting bills or claims to public officers for payment. A person who, knowingly, with intent to defraud, presents, for audit, or allowance, or for payment, to any officer or board of officers of the state, or of any county, town, city or village, authorized to audit, or allow, or to pay bills, claims or charges, any false or fraudulent claim, bill, account, writing or voucher, or any bill, account or demand, containing false or fraudulent charges, items or claims, is guilty of a felony.

[Penal Code § 672.]

§ 1873. Taking property from officer's custody. A person who takes from the custody of an officer or other person, personal property, in charge of the latter, under any process of law, or who wilfully injures or destroys such property, is guilty of a misdemeanor.

[Penal Code § 83.]

§ 1874. Punishment of usurper of office or franchise for refusal or neglect to deliver books and papers after judgment. After final judgment in an action against the usurper of an office or franchise as specified in section nineteen hundred and fifty-one of the code of civil procedure, if the defendant refuses or neglects to deliver any of the books or papers, demanded as prescribed in [the last] section nineteen hundred and fifty-one of the code of civil procedure, he is guilty of a misdemeanor.

[Code Civil Procedure § 1952, pt.]

§ 1875. Neglecting to make transcripts or making false certificates. If [he] a surrogate, county clerk, register, clerk of a court, or other person, having the custody of the records or other papers in a public office, refuses, or unreasonably neglects or delays, to make [such] a search, or to furnish [such] a transcript or certificate as prescribed in section two hundred and fifty-five of the judiciary law, section one hundred and sixty-one of the county law, or section sixty-six of the public officers law, or makes a false certificate, he is guilty of a misdemeanor.

[Code Civil Procedure § 961, pt.]

§ 1876. Violation by sheriff of certain provisions^[See note 93] **relating to prisoners.** A sheriff, or other officer, who willfully violates any of the [foregoing] provisions of [this title] sections one hundred and ten and one hundred and eleven of the code of civil procedure; or sections three hundred and forty, three hundred and forty-one, three hundred and forty-two, three hundred and forty-three, three hundred and forty-four, three hundred and forty-five, and three hundred and forty-six of the prison law, forfeits to the person aggrieved, treble damages. He is also guilty of a misdemeanor, and shall be punished accordingly. A conviction also operates as a forfeiture of his office.

[Code Civil Procedure § 125.]

§ 1877. Misdemeanor for judge, justice or magistrate to permit any but attorneys to practice in his court. A judge, justice or magistrate within the city of New York who knowingly permits to practice in his court, a person who has not been regularly admitted to practice in the courts of record of this state, is guilty of a misdemeanor, and shall be punished [as prescribed in this section.] by imprisonment in the county jail, not exceeding one month, or by a fine of not less than one hundred dollars or more than two hundred and fifty dollars, or by both such fine and imprisonment.

But this [and the last] section and section two hundred and seventy-one do not apply to a case where a person appears in a cause to which he is a party.

[Code Civil Procedure § 64, pt. For remainder of section, see § 272.]

[REFERENCES FOR OTHER SUBJECTS:

Public officers: *See also* Juries and Jurors.

Appraiser taking fee or reward, *see* Taxes, § 2320.

Intimidating, *see* Extortion and Threats, § 860.

Misconduct of officers of banking department, *see* Banking, § 300.

Penal law does not affect power to impeach or remove, *see* General Provisions, § 37.

Taking illegal fees, *see* Extortion and Threats, § 855.

Suffering escape of prisoner, *see* Prisoners, §§ 1697, 1698.]

ARTICLE 172

Public Safety

- Section** 1890. *Overloading passenger vessel.*
 1891. *Unauthorized pressure of steam.*
 1892. *Generation of unsafe amount of steam.*
 1893. *Mismanagement of steam boilers.*
 1894. *Explosives and combustibles.*
 1895. *Endangering life by maliciously placing explosive near building.*
 1896. *Making and disposing of dangerous weapons.*
 1897. *Carrying and use of dangerous weapons.*
 1898. *Possession, presumptive evidence.*
 1899. *Destruction of dangerous weapons.*
 1900. *Negligently managing and refusing to extinguish fires.*
 1901. *Obstructing attempts to extinguish fires.*
 1902. *Unauthorized manufacture, sale or use of illuminating oils.*
 1903. *Violating law to prevent conflagrations.*
 1904. *Ice cutting and ice bridges.*
 1905. *Fire-escapes in hotels.*
 1906. *Discharging fire-arms.*
 1907. *Driving vehicles and animals on sidewalks.*

- Section* 1908. *Driving vehicles and teams on side-paths.*
1909. *Riding bicycle on sidewalk or foot-path.*
1910. *Endangering life by refusal to labor.*
1911. *Injury to life saving apparatus.*
1912. *Procuring liquor for persons to whom sale is forbidden by the liquor tax law.*
1913. *Employment by common carrier of person addicted to intoxication.*

§ 1890. Overloading passenger vessel. A person navigating a vessel for gain, who wilfully or negligently receives so many passengers, or such a quantity of other lading, on board the vessel, that by means thereof it sinks or is upset or injured, and thereby the life of a human being is endangered, is guilty of a misdemeanor.

[Penal Code § 359.]

§ 1891. Unauthorized pressure of steam. A person who applies, or causes to be applied, to a steam boiler a higher pressure of steam than is allowed by law, or by the inspector, officer or person authorized to limit the pressure of steam to be applied to such boiler, is guilty of a misdemeanor.

[Penal Code § 360.]

§ 1892. Generation of unsafe amount of steam. A captain or other person having charge of the machinery or boiler of a steamboat, used for the conveyance of passengers, in the waters of this state, who from ignorance or gross neglect, or for the purpose of increasing the speed of the boat, creates, or causes to be created, an undue and unsafe pressure of steam, is guilty of a misdemeanor.

[Penal Code § 361.]

§ 1893. Mismanagement of steam boilers. An engineer or other person having charge of a steam boiler, steam engine, or other apparatus for generating or employing steam, employed in a railway, manufactory, or other mechanical works, who, wilfully or from ignorance or gross neglect, creates or allows to be created such an undue quantity of steam as to burst the boiler; engine or apparatus, or cause any other accident whereby human life is endangered, is guilty of a misdemeanor.

[Penal Code § 362.]

§ 1894. Explosives and combustibles. A person who makes or keeps gunpowder, nitro-glycerine, or any other explosive or combustible material, within a city or village, or carries such materials through the streets thereof, in a quantity or manner prohibited by law or by ordinance of the city or village, is guilty of a misdemeanor.

A person who manufactures gunpowder, dynamite, nitro-glycerine, liquid or compressed air or gases, except acetylene gas and other gases used for illuminating purposes, naphtha, gasoline, benzine or any explosive articles or compounds, or manufactures ammunition, fireworks or other articles of which such substances are component parts in a cellar, room, or apartment of a tenement or dwelling-house or any building occupied in whole or in part by persons or families for living purposes, is guilty of a misdemeanor.

And a person who, by the careless, negligent, or unauthorized use or management of gunpowder or other explosive substances, injures or occasions the injury of the person or property of another, is punishable by imprisonment for not more than two years.

Any person or persons who shall knowingly present, attempt to present, or cause to be presented or offered for shipment to any railroad, steamboat, steamship, express or other company engaged as common carrier of passengers or freight, dynamite, nitro-glycerine, powder or other explosives dangerous to life or limb, without revealing the true nature of said explosives or substance so offered or attempted to be offered to the company or carrier to which it shall be presented, shall be guilty of a felony, and upon conviction, shall be fined in any sum not exceeding one thousand dollars and not less than three hundred dollars, or imprisonment in a state prison for not less than one nor more than five years, or be subject to both such fine and imprisonment.

Nothing in this section contained shall be construed to prohibit or forbid the manufacture and sale of soda-water, seltzer-water, ginger ale, carbonic or mineral water, or the charging with liquid carbonic acid gas of such waters or ordinary waters, or of beer, wines, ales or other malt and vinous beverages in such cellar, room or apartment of a tenement or dwelling-house, or any building occupied in whole or in part by persons or families for living purposes.

[Penal Code § 389, as amended by L. 1887, Ch. 689, § 1; L. 1900, Ch. 494, § 1; L. 1902, Ch. 486, § 1.]

§ 1895. Endangering life by maliciously placing explosive near building. A person, who places in, upon, under, against, or near to any building, car, vessel or structure,

gunpowder or any other explosive substance, with intent to destroy, throw down, or injure the whole or any part thereof, under such circumstances, that, if the intent were accomplished, human life or safety would be endangered thereby, although no damage is done, is guilty of a felony.

[Penal Code § 645.]

§ 1896. Making and disposing of dangerous weapons. A person who manufactures, or causes to be manufactured, or sells or keeps for sale, or offers, or gives, or disposes of any instrument or weapon of the kind usually known as a slungshot, billy, sandclub or metal knuckles, to any person or a person who offers, sells, loans, leases or gives any gun, revolver, pistol or other fire-arm or any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring or air or any instrument or weapon commonly known as a toy pistol or in or upon which any loaded or blank cartridges are used, or may be used, or any loaded or blank cartridges or ammunition therefor to any person under the age of sixteen years is guilty of a misdemeanor.

[Penal Code § 409, as amended by L. 1884, Ch. 46, § 7; L. 1889, Ch. 140, § 1; L. 1899, Ch. 603, § 1; L. 1900, Ch. 222, § 1; L. 1905, Ch. 92, § 1.]

§ 1897. Carrying and use of dangerous weapons.

A person who attempts to use against another, or who carries, or possesses any instrument or weapon of the kind commonly known as a slungshot, billy, sandclub or metal knuckles, or who with intent to use the same against another, carries or possesses a dagger, dirk or dangerous knife is guilty of a felony.

Any person under the age of sixteen years, who shall have, carry or have in his possession in any public place any of the articles named or described in the last section which it is forbidden therein to offer, sell, loan, lease or give to him, shall be guilty of a misdemeanor.

Any person over the age of sixteen years, who shall have or carry concealed upon his person in any city or village of this state, any pistol, revolver or other fire-arm without a written license therefor, theretofore issued to him by a police magistrate of such city or village, or in such manner as may be prescribed by ordinance of such city or village shall be guilty of a misdemeanor.

No person not a citizen of the United States, shall have or carry fire-arms or dangerous weapons in any public place at any

time. This section shall not apply to the regular and ordinary transportation of fire-arms as merchandise, nor to sheriffs, policemen or to other duly appointed peace officers, nor to duly authorized military or civil organizations when parading, nor to the members thereof when going to and from the places of meeting of their respective organizations.

[Penal Code § 410, as amended by L. 1884, Ch. 46, § 8; L. 1889, Ch. 140, § 2; L. 1905, Ch. 92, § 2.]

§ 1898. Possession, presumptive evidence. The possession, by any person other than a public officer, of any of the weapons specified in the last section, concealed or furtively carried on the person, is presumptive evidence of carrying, or concealing, or possessing, with intent to use the same in violation of that section.

[Penal Code § 411.]

§ 1899. Destruction of dangerous weapons. The carrying of a pistol, revolver, or of an instrument or weapon of the kind usually known as slungshot, billy, sandclub, metal knuckles, or of a dagger, dirk or dangerous knife, without lawful permission, license or authority so to do, by any person save a peace officer, is a nuisance and such weapons are hereby declared to be nuisances and, when any one or more of the above described instruments or weapons shall be taken from the possession of any person the same shall be surrendered to the sheriff of the county wherein the same shall be taken, except that, in cities of the first class the same shall be surrendered to the head of the police force or department of said city. The officer to whom the same may be so surrendered shall, except upon certificate of a judge of a court of record, or of the district attorney, that the non-destruction thereof is necessary or proper in the ends of justice, proceed at such time or times as he deems proper, and at least once in each year, to destroy or cause to be destroyed any and all such weapons or instruments, in such manner and to such extent that the same shall be and become wholly and entirely ineffective and useless for the purpose for which destined and harmless to human life or limb.

[Penal Code § 411a, added by L. 1907, Ch. 582, § 1.]

§ 1900. Negligently managing and refusing to extinguish fires. A person who:

1. Wilfully or negligently sets fire to, or assists another to set fire to any waste or forest lands belonging to the state or to an-

other person whereby such forests are injured or endangered; or,

2. Negligently sets fire to his own woods, by means whereof the property of another is endangered; or,

3. Negligently suffers any fire upon his own land to extend beyond the limits thereof; or,

4. Having been lawfully ordered to repair to a place of a fire in the woods, and to assist in extinguishing it, omits without lawful excuse to comply with the order,

Is guilty of a misdemeanor.

[Penal Code § 413, as amended by L. 1892, Ch. 692, § 1; L. 1893, Ch. 692, § 1.]

§ 1901. Obstructing attempts to extinguish fires.

A person who at any burning of a building is guilty of any disobedience to lawful orders of a public officer or fireman, or of any resistance to, or interference with, the lawful efforts of a fireman or company of firemen, to extinguish the same, or of any disorderly conduct likely to prevent the same from being extinguished, or who forbids, prevents or dissuades others from assisting to extinguish the same, is guilty of a misdemeanor.

[Penal Code § 414, as amended by L. 1892, Ch. 692, § 1.]

§ 1902. Unauthorized manufacture, sale or use of illuminating oils. A person who violates any provision of the [domestic commerce] general business law, relating to the standard, manufacture, sale, use or storage of any oil or burning fluid, wholly or partly composed of naphtha, coal oil, petroleum or products manufactured therefrom, or of other substance or materials which will flash at a temperature below one hundred degrees Fahrenheit, or relating to the burning or carriage of any such oil or fluid which will ignite at a temperature below three hundred degrees Fahrenheit, is guilty of a misdemeanor.

[Penal Code § 427a, added by L. 1896, Ch. 551, § 1.]

§ 1903. Violating law to prevent conflagrations.[See note 94]

[A person who violates any of the provisions of an act to prevent conflagrations, passed May 19, 1879, is guilty of a misdemeanor, triable as therein prescribed.] A person who violates any of the provisions of section [twenty-six] three hundred and six of the [domestic commerce] general business law is guilty of a misdemeanor.

[Penal Code § 428; same, § 428, added by L. 1896, Ch. 551, § 1.]

§ 1904. Ice cutting and ice bridges. A person or corporation cutting ice in or upon any waters within the boundaries of this state, for the purpose of removing the ice for sale or use, must surround the cuttings and openings made with fences or guards of boards or other material sufficient to form an obstruction to the free passage of persons through such fences or guards into the place where such ice is being cut. Such fences or guards must be erected at or before the time of commencing the cuttings or openings, and must be maintained until ice has again formed therein to the thickness of at least three inches, or until the ice about such openings has melted or broken up. Whoever omits to comply with this section is guilty of a misdemeanor.

A person who cuts, loosens or detaches from any bay, estuary, inlet, or main, or island shore of the Saint Lawrence river, within the jurisdiction of this state, any field of ice, or large body of ice, which, when so loosened or detached forms or is likely to form a bridge or passage way between an island of the river and the main shore, or between any islands of such river, is guilty of a misdemeanor. The sheriff of the county of Saint Lawrence may appoint one or more deputies to patrol the Saint Lawrence river within the county at such times as shall seem to him proper, and to arrest any persons found engaged in a violation of this section; the fees and expenses of such deputies for such services shall be a county charge against said county, and shall be audited and paid in the same manner as other county charges.

[Penal Code § 429, as amended by L. 1894, Ch. 753, § 1; L. 1900, Ch. 584, § 1; L. 1905, Ch. 326, § 1.]

§ 1905. Fire-escapes in hotels. A person who:

1. Being the owner, lessee, proprietor or manager of a hotel, fails to comply with the law relative to providing or keeping appliances to be used as fire-escapes; or,

2. Being the chief engineer or officer performing the duties of such in any city or village neglects to make or cause to be made the inspection required by law to be made touching fire-escapes in hotels,

Is guilty of a misdemeanor.

[Penal Code § 447b, added by L. 1896, Ch. 551, § 1.]

§ 1906. Discharging fire-arms. A person who, other-wise than in self defense, or in the discharge of official duty:

1. Wilfully discharges any species of fire-arms, air-gun or other weapon, or throws any other deadly missile in a public place or in any place where there is any person to be endangered thereby, although no injury to any person ensues; or,

2. Intentionally, without malice, points or aims any fire-arm at or toward any other person; or,

3. Discharges, without injury to any other person, fire-arms, while intentionally without malice, aimed at or toward any person; or,

4. Maims or injures any other person by the discharge of any fire-arm pointed or aimed intentionally, but without malice, at any such person,

Is guilty of a misdemeanor.

A person who leaves the state, with intent to elude any provision of this [title] section, or to commit any act without the state, which is prohibited by this [title] section, or who, being a resident of this state, does any act without the state, which would be punishable by the provisions of this [title] section, if committed within the state, is guilty of the same offense and subject to the same punishment, as if the act had been committed within this state. [See note 81]

No person shall be excused from giving evidence upon an investigation or prosecution for any of the offenses specified in this [title] section, upon the ground that the evidence might tend to convict him of a crime. But such evidence shall not be received against him upon any criminal proceeding. [See note 98]

[First paragraph, Penal Code § 468 as amended by L. 1893, Ch. 692, § 1; second paragraph, Penal Code § 461; third paragraph, Penal Code § 469.]

§ 1907. Driving vehicles and animals on sidewalks.

A person who wilfully and without authority or necessity drives any team, vehicle, cattle, sheep, horse, swine or other animal along or upon a sidewalk is punishable by a fine of fifty dollars, or imprisonment in the county jail not exceeding thirty days, or both.

[Penal Code § 652, pt., as amended by L. 1897, Ch. 267, § 1. For remainder of section, see § 1908.]

§ 1908. Driving vehicles and teams on side-paths.

A person who wilfully and without authority or necessity drives any team or vehicle, except a bicycle, upon a side-path, or wheel-way, constructed by or exclusively for the use of bicyclists, and not constructed in a street of a city, is punishable by a fine of not more than fifty dollars, or imprisonment not exceeding thirty days, or both.

[Penal Code § 652, pt., as amended by L. 1897, Ch. 267, § 1. For remainder of section, see § 1907.]

§ 1909. Riding bicycle on sidewalk or foot-path. A person who wilfully and without authority rides a bicycle upon a sidewalk or foot-path constructed, maintained, or allowed to remain for the exclusive use of pedestrians, in any street where a side-path for bicycles is maintained outside of an incorporated city or village, is guilty of a misdemeanor, punishable by a fine of not more than twenty-five dollars, or by imprisonment for not more than twenty days, or both.

[Penal Code § 652a, added by L. 1901, Ch. 560, § 1.]

§ 1910. Endangering life by refusal to labor. A person, who wilfully and maliciously, either alone or in combination with others, breaks a contract of service or hiring, knowing, or having reasonable cause to believe, that the probable consequence of his so doing will be to endanger human life, or to cause grievous bodily injury, or to expose valuable property to destruction or serious injury, is guilty of a misdemeanor.

[Penal Code § 673.]

§ 1911. Injury to life saving apparatus. Any person molesting, damaging, destroying, stealing, or in any way wrongfully withholding or interfering with the life-buoys, life-ladders, rubber or cork life-preservers, boats, or other life saving apparatus, or of the flags, pennants, signs, badges of office, buttons or medals of any humane or life saving association of the state of New York, shall be guilty of a misdemeanor.

[Penal Code § 674g, added by L. 1899, Ch. 327, § 3.]

§ 1912. Procuring liquor for persons to whom sale is forbidden by the liquor tax law. The purchase or procurement of liquor for any person to whom it is forbidden to sell liquor under section [thirty] twenty-nine of [this act] the liquor tax law, is a misdemeanor, punishable upon conviction, by a fine of not less than ten dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.

[Liquor Tax Law, L. 1896, Ch. 112, § 40, pt., as amended by L. 1897, Ch. 312, § 28.]

§ 1913. Employment by common carrier of person addicted to intoxication. Any person or officer of an association or corporation engaged in the business of conveying passengers or property for hire, who shall employ in the conduct of such business, as an engineer, fireman, conductor, switch-tender, train dispatcher, telegrapher, commander, pilot, mate, fireman or

in other like capacity, so that by his neglect of duty the safety and security of life, person or property so conveyed might be imperiled, any person who habitually indulges in the intemperate use of liquors, after notice that such person has been intoxicated, while in the active service of such person, association or corporation, shall be guilty of a misdemeanor.

[Liquor Tax Law, L. 1896, Ch. 112, § 41.]

[REFERENCES FOR OTHER SUBJECTS:

Public safety: Death by explosion of steamboat boiler, *see* Homicide, § 1052.

Death from overloading passenger vessel, *see* Homicide, § 1052.

Life saving apparatus at bathing places, *see* Exhibitions, § 831, ¶ 3.

Public securities; larceny of, *see* Stealing, §§ 2262, 2274.

Public sports; prohibited on Sunday, *see* Sabbath, § 2145.

Public traffic; prohibited on Sunday, *see* Sabbath, § 2147.

Publishers; liability, *see* Anarchy, § 164.]

ARTICLE 174

Punishment

Section 1930. What persons are punishable criminally.

1931. *Punishments, how determined.*

1932. *Punishment of corporation convicted of felony.*

1933. *Punishment of acts committed out of the state.*

1934. *Punishment of accessory to felony.*

1935. *Punishment of felonies when not fixed by statute.*

1936. *Punishment of accessory to misdemeanor.*

1937. *Punishment of misdemeanors when not fixed by statute.*

1938. *Punishment when different penalties are provided by different provisions of law.*

1939. *Mitigation of punishment in certain cases.*

1940. *Punishment for felony when person convicted has been previously convicted of a misdemeanor.*

1941. *Punishment for second offense of felony or petit larceny.*

1942. *Punishment for fourth conviction of felony.*

1943. *Punishment of woman for concealing birth of issue.*

§ 1930. What persons are punishable criminally. The following persons are liable to punishment within the state:

1. A person who commits within the state any crime, in whole or in part;

2. A person who commits without the state any offense which, if committed within the state, would be larceny under the laws of the state, and is afterwards found, with any of the property stolen or feloniously appropriated within this state;

3. A person who, being without the state, causes, procures, aids, or abets another to commit a crime within the state;

4. A person who, being out of this state, abducts or kidnaps by force or fraud, any person contrary to the laws of the place where such act is committed, and brings, sends or conveys such person within the limits of this state, and is afterwards found therein;

5. A person who, being out of the state and with intent to cause within it a result contrary to the laws of this state does an act which in its natural and usual course results in an act or effect contrary to its laws.

[Penal Code § 16.]

§ 1931. Punishments, how determined. Whenever in this [code] chapter the punishment for a crime is left undetermined between certain limits, the punishment to be inflicted in a particular case must be determined by the court authorized to pass sentence, within such limits as may be prescribed by this [code] chapter.

[Penal Code § 13, pt., as amended by L. 1892, Ch. 218, § 1. For remainder of section, see § 1932.]

§ 1932. Punishment of corporation convicted of felony. In all cases where a corporation is convicted of an offense for the commission of which a natural person would be punishable with imprisonment, as for a felony, such corporation is punishable by a fine of not more than five thousand dollars.

[Penal Code § 13, pt., as amended by L. 1892, Ch. 218, § 1. For remainder of section, see § 1931.]

§ 1933. Punishment of acts committed out of the state. A person who commits an act without this state which affects persons or property within this state, or the public health, morals, or decency of this state, and which, if committed within this state, would be a crime, is punishable as if the act were committed within this state.

[Penal Code § 676.]

§ 1934. Punishment of accessory to felony. An accessory to a felony may be indicted, tried, and convicted, either in the county where he became an accessory, or in the county where the principal felony was committed, and whether the principal felon has or has not been previously convicted, or is or is not amenable to justice, and although the principal has been pardoned or otherwise discharged after conviction.

Except in a case where a different punishment is specially prescribed by law, a person convicted as an accessory to a felony is punishable by imprisonment for not more than five years, or by a fine of not more than five hundred dollars, or by both.

[Penal Code §§ 32, 33.]

§ 1935. Punishment of felonies when not fixed by statute. A person convicted of a crime declared to be a felony, for which no other punishment is specially prescribed by this [code] chapter, or by any other statutory provision in force at the time of the conviction and sentence, is punishable by imprisonment for not more than seven years, or by a fine of not more than one thousand dollars, or by both.

[Penal Code § 14.]

§ 1936. Punishment of accessory to misdemeanor. When an act or omission is declared by statute to be a misdemeanor, and no punishment for aiding or abetting in the doing thereof is expressly prescribed, every person who aids, or abets another in such act or omission is also guilty of a misdemeanor.

[Penal Code § 682.]

§ 1937. Punishment of misdemeanors when not fixed by statute. A person convicted of a crime declared to be a misdemeanor, for which no other punishment is specially prescribed by this [code] chapter, or by any other statutory provision in force at the time of the conviction and sentence, is punishable by imprisonment in a penitentiary, or county jail, for not more than one year, or by a fine of not more than five hundred dollars, or by both.

[Penal Code § 15.]

§ 1938. Punishment when different penalties are provided by different provisions of law. An act or omission which is made criminal and punishable in different ways, by different provisions of law, may be punished under any one of

those provisions, but not under more than one; and a conviction or acquittal under one bars a prosecution for the same act or omission under any other provision.

[Penal Code § 677.]

§ 1939. Mitigation of punishment in certain cases.

Where it appears, at the time of passing sentence on a person convicted that he has already paid a fine or suffered an imprisonment for the act of which he stands convicted, under an order adjudging it a contempt, the court, passing sentence, may mitigate the punishment to be imposed, in its discretion.

[Penal Code § 681.]

§ 1940. Punishment for felony when person convicted has been previously convicted of a misdemeanor.

A person, who, having been convicted within this state of a misdemeanor, afterwards commits and is convicted of a felony, must be sentenced to imprisonment for the longest terms prescribed for the punishment upon a first conviction for the felony.

[Penal Code § 689.]

§ 1941. Punishment for second offense of felony or petit larceny.

A person, who, after having been convicted within this state, of a felony, or an attempt to commit a felony, or of [petty] petit larceny, or, under the laws of any other state, government, or country, of a crime which, if committed within this state, would be a felony, commits any crime, within this state, is punishable upon conviction of such second offense, as follows:

1. If the subsequent crime is such that, upon a first conviction, the offender might be punished, in the discretion of the court, by imprisonment for life, he must be sentenced to imprisonment in a state prison for life;

2. If the subsequent crime is such that, upon a first conviction, the offender would be punishable by imprisonment for any term less than his natural life, then such person must be sentenced to imprisonment for a term not less than the longest term, nor more than twice the longest term, prescribed upon a first conviction.

[Penal Code § 688.]

§ 1942. Punishment for fourth conviction of felony.

A person who, after having been three times convicted within this state, of felonies or attempts to commit felonies, or under the law of any other state, government or country, of crimes which if committed within this state would be felonies, commits

a felony within this state, shall be sentenced upon conviction of such fourth, or subsequent, offense to imprisonment in a state prison for the term of his natural life, but after serving a period of time equal to the maximum penalty prescribed for the offense of which he is convicted, less the usual commutation for good conduct, shall become subject to the jurisdiction of the board of commissioners of paroled prisoners, and may be paroled upon such conditions as said board may prescribe, but said board shall not grant an absolute discharge to such prisoner.

[Penal Code § 688a, added by L. 1907, Ch. 645, § 1.]

§ 1943. Punishment of woman for concealing birth of issue. A woman, who, having been convicted of endeavoring to conceal the still-birth of an issue of her body, which, if born alive, would be a bastard, or the death of any such issue under the age of two years, subsequently to such conviction endeavors to conceal any such birth or death, is punishable by imprisonment in a state prison not exceeding five years, and not less than two years.

[Penal Code § 693.]

[REFERENCES FOR OTHER SUBJECTS:

Punishment: Ambassadors and foreign ministers excepted from, *see* General Provisions, § 25.

Conviction must precede, *see* General Provisions, § 31.

Omission to perform duty, *see* General Provisions, § 35.

Penal law not affecting powers of punishment conferred by law on military, public bodies, tribunals and officers, *see* General Provisions, § 39.]

ARTICLE 176

Quarantine

Section 1960. Violation of quarantine laws by master of vessel.

1961. *Giving false information; permitting person to land before visit of health officers.*

1962. *Landing from vessel before visit of health officers.*

1963. *Going on board vessel at quarantine grounds without leave.*

1964. *Violating quarantine regulations.*

§ 1960. Violation of quarantine laws by master of vessel. A master of a vessel subject to quarantine or visitation by the health officer, arriving in the port of New York, who refuses or omits:

1. To proceed to and anchor his vessel at the place assigned for quarantine, at the time of his arrival; or,

2. To submit his vessel, cargo and passengers, to the examination of the health officer, and to furnish all necessary information to enable that officer to determine the length of quarantine and other regulations to which they ought respectively to be subject; or,

3. To remain with his vessel at quarantine during the period assigned for her quarantine, and while at quarantine to comply with the directions and regulations prescribed by law, and with such as any of the officers of health, by virtue of the authority given to them by law, shall prescribe in relation to his vessel, his cargo, himself, his passengers or crew,

Is punishable by imprisonment not exceeding one year, or by a fine not exceeding two thousand dollars, or both.

[Penal Code § 391.]

§ 1961. Giving false information; permitting person to land before visit of health officers. A master of a vessel hailed by a pilot, who:

1. Gives false information to such pilot, relative to the condition of his vessel, crew or passengers, or the health of the place or places from whence he came, or refuses to give such information as shall be lawfully required; or,

2. Lands any person from his vessel, or permits any person, except a pilot, to come on board of his vessel, or unlades or tranships any portion of his cargo, before his vessel has been visited and examined by the health officers; or,

3. Approaches with his vessel nearer the city of New York than the place of quarantine to which he may be directed,

Is punishable by imprisonment not exceeding one year, or by a fine not exceeding two thousand dollars, or by both.

[Penal Code § 392.]

§ 1962. Landing from vessel before visit of health officers. A person, who, being on board any vessel at the time of her arrival at the port of New York, lands from such vessel, or unlades, or tranships, or assists in unlading or transshipping any portion of her cargo, before such vessel has been visited and examined by the health officers, is punishable by imprisonment not exceeding one year, or by a fine not exceeding two thousand dollars, or both.

[Penal Code § 393.]

§ 1963. Going on board vessel at quarantine grounds without leave. A person who goes on board of, or has any communication or intercourse with any vessel at quarantine, or with any of the crew or passengers of such vessel, without the permission of the health officer, and every person who, without such authority, enters the quarantine grounds or anchorage, is punishable by imprisonment not exceeding one year, or by a fine not exceeding two thousand dollars, or both; and in addition thereto he may be detained at quarantine so long as the health officer directs, not exceeding twenty days. And in case such person shall be taken sick of any infectious, contagious or pestilential disease, during such twenty days, he may be detained at the marine hospital, for such further time as the health officer directs.

[Penal Code § 394.]

§ 1964. Violating quarantine regulations. A person who, having been lawfully ordered by a health officer to be detained in quarantine, and not having been discharged, leaves the quarantine grounds or anchorage, or wilfully violates any quarantine law or regulation, is guilty of a misdemeanor.

[Penal Code § 395.]

[REFERENCES FOR OTHER SUBJECTS:

Raffle, *see* Lotteries, §§ 1383, 1386.]

ARTICLE 178

Railroads

Section 1980. Unlawful acts of and neglect of duty by railroad officials.

1981. *Misconduct of public service commissioners and their employees.*

1982. *Person unable to read not to act or be employed as engineer; telegraph operators.*

1983. *Misconduct of officials or employees on elevated railroads.*

1984. *Intoxication or other misconduct of railroad or steamboat employees.*

1985. *Ringling bells and blowing whistles at crossings; obstructing highways.*

1986. *Placing passenger cars in front of other cars.*

1987. *Platforms and heating apparatus of passenger cars.*

Section 1888. Guard posts; automatic couplers.

1889. Inciting railroad employees not to wear uniform; unauthorized wearing of uniform.

1890. Riding on freight trains; boarding cars in motion; obstructing passage of car.

1891. Injuring railroad property and appurtenances; obstructing tracks.

[See note 95] **§ 1880. Unlawful acts of and neglect of duty by railroad officials.** An officer, agent, attorney or employee of a railroad corporation, who:

1. Offers a place, appointment, position or any other consideration to a [railroad commissioner] public service commissioner or to a secretary, clerk, agent, employee or expert employed by the [board of railroad commissioners] public service commissions; or,

2. After due notice, neglects or refuses to make or furnish any statement or report lawfully required by the [board of railroad commissioners] public service commissions, or wilfully hinders, delays or obstructs such commissioners in the discharge of their official duties,

Is guilty of a misdemeanor.

[Penal Code § 416, as amended by L. 1892, Ch. 692, § 1; L. 1893, Ch. 692, § 1.]

[See note 95] **§ 1881. Misconduct of public service commissioners and their employees.** Any [railroad] public service commissioner, or any secretary, clerk, agent, expert or other person employed by the [board of railroad commissioners] public service commissions, who:

1. Directly or indirectly solicits or requests from or recommends to any railroad corporation, or to any officer, attorney or agent thereof, the appointment of any person to any place or position; or,

2. Accepts, receives or requests, either for himself or for any other person, any pass, gift or gratuity from any railroad corporation; or,

3. Secretly reveals to any railroad corporation, or to any officer, member, or employee thereof, any information gained by him from any other railroad corporation,

Is guilty of a misdemeanor.

[Penal Code § 417, as amended by L. 1892, Ch. 692, § 1.]

§ 1982. Person unable to read not to act or be employed as engineer; telegraph operators. Any person unable to read the time tables of a railroad and ordinary handwriting, who acts as an engineer or runs a locomotive or train on any railroad in this state; or any person who, in his own behalf, or in the behalf of any other person or corporation, knowingly employs a person so unable to read to act as such engineer or to run any such locomotive [is guilty of a misdemeanor]; or who employs a person as a telegraph operator who is under the age of eighteen years, or who has less than one year's experience in telegraphing, to receive or transmit a telegraphic message or train order for the movement of trains, is guilty of a misdemeanor.

[Penal Code § 418, as amended by L. 1892, Ch. 692, § 1; L. 1895, Ch. 892, § 1.]

§ 1983. Misconduct of officials or employees on elevated railroads. Any conductor, brakeman, or other agent or employee of an elevated railroad, who:

1. Starts any train or car of such railroad, or gives any signal or order to any engineer or other person to start any such train or car, before every passenger therein who manifests an intention to depart therefrom by arising, or moving toward the exit thereof, has departed therefrom; or before every passenger on the platform or station at which the train has stopped, who manifests a desire to enter the train, has actually boarded or entered the same, unless due notice is given by an authorized employee of such railroad that the train is full, and that no more passengers can then be received; or,

2. Obstructs the lawful ingress or egress of a passenger to or from any such car; or,

3. Opens a platform gate of any such car while the train is in motion, or starts such train before such gate is firmly closed,

Is guilty of a misdemeanor.

[Penal Code § 419, as amended by L. 1892, Ch. 692, § 1.]

§ 1984. Intoxication or other misconduct of railroad or steamboat employees. 1. Any person who, being employed upon any railway as engineer, conductor, baggage-master, brakeman, switch-tender, fireman, bridge-tender, flagman, signal man, or having charge of stations, starting, regulating or running trains upon a railroad, or, being employed as captain, engineer or other officer of a vessel propelled by steam is intoxicated while engaged in the discharge of any such duties; or,

2. An engineer, conductor, brakeman, switch-tender, or other officer, agent or employee of any railroad corporation, who wilfully violates or omits his duty as such officer, agent or employee, by which human life or safety is endangered, the punishment of which is not otherwise prescribed,

Is guilty of a misdemeanor.

[Penal Code § 420, as amended by L. 1892, Ch. 692, § 1.]

§ 1985. Ringing bells and blowing whistles at crossings; obstructing highways. A person acting as engineer, driving a locomotive on any railway in this state, who fails to ring the bell, or sound the whistle, upon such locomotive, or cause the same to be rung or sounded, at least eighty rods from any place where such railway crosses a traveled road or street on the same level, except in cities, or to continue the ringing of such bell or sounding such whistle at intervals, until such locomotive and the train to which the locomotive is attached shall have completely crossed such road or street, or any officer or employee of a corporation in charge of a locomotive, train or car, who shall wilfully obstruct, or cause to be obstructed, any farm or highway crossing with any locomotive, train or car for a longer period than five consecutive minutes, is guilty of a misdemeanor.

[Penal Code § 421, as amended by L. 1891, Ch. 358, § 1; L. 1900, Ch. 759, § 1.]

§ 1986. Placing passenger cars in front of other cars. A person being an officer or employee of a railway company, who knowingly places, directs, or suffers a freight, lumber, merchandise or oil car to be placed in rear of a car used for the conveyance of passengers in a railway train is guilty of a misdemeanor.

[Penal Code § 422, as amended by L. 1889, Ch. 267, § 1.]

[See note 95] **§ 1987. Platforms and heating apparatus of passenger cars.** A railroad corporation, or any officer or director thereof having charge of its railroad, or any person managing a railroad in this state, or any person or corporation running passenger cars upon a railroad into or through this state, who:

1. Fails to have the platforms or ends of the passenger cars run upon such railroad constructed in such manner as will prevent passengers falling between the cars while in motion; or,

2. Except temporarily, in case of accident or emergency, heats any passenger car, while in motion, on any such railroad more than fifty miles in length, except a narrow-gauge railroad which runs only mixed trains, between October fifteenth and May first,

by any stove or furnace inside of or suspended from such car, except stoves of a pattern and kind approved by the [board of railroad commissioners] public service commissions for cooking purposes in dining-room cars, and except within the extended time allowed by the [railroad commissioners] public service commissions, in pursuance of law, for introducing other heating apparatus,

Is guilty of a misdemeanor.

[Penal Code § 423, as amended by L. 1892, Ch. 692, § 1.]

§ 1988. Guard posts; automatic couplers. All cor-[See note 95] porations and persons other than employees, operating any steam railroad in this state:

1. Failing to cause guard posts to be placed in prolongation of the line of bridge trusses upon such railroad, so that in case of derailment, the posts and not the trusses shall receive the blow of the derailed locomotive or car; or,

2. Failing [after November first, eighteen hundred and ninety-two] to equip all of their own freight cars, run and used in freight or other trains on such railroad, with automatic self-couplers, or running or operating on such railroad any freight car belonging to any such person or corporation, without having the same equipped, except in case of accident or other emergency, with automatic self-couplers, and except within the extended time allowed by the [board of railroad commissioners] public service commission, in pursuance of law, for equipping such car with such couplers, is guilty of a misdemeanor, punishable by a fine of five hundred dollars for each offense.

[Penal Code § 424, as amended by L. 1892, Ch. 692, § 1; L. 1896, Ch. 664, § 1.]

§ 1989. Inciting railroad employees not to wear uniform; unauthorized wearing of uniform. A person who:

1. Advises or induces any one, being an officer, agent or employee of a railway company, to leave the service of such company, because it requires a uniform to be worn by such officer, agent or employee, or to refuse to wear such uniform, or any part thereof; or,

2. Uses any inducement with a person employed by a railway company to go into the service or employment of any other railway company, because a uniform is required to be worn; or,

3. Wears the uniform designated by a railway company without authority,
Is guilty of a misdemeanor.
[Penal Code § 425.]

§ 1990. Riding on freight trains; boarding cars in motion; obstructing passage of car. 1. A person who rides on any engine or any freight or wood car of any railway company, without authority or permission of the proper officers of the company or of the person in charge of said car or engine; or,

2. Who gets on any car or train while in motion, for the purpose of obtaining transportation thereon as a passenger; or,

3. Who wilfully obstructs, hinders or delays the passage of any car lawfully running upon any steam or horse, or street railway,
Is guilty of a misdemeanor.

[Penal Code § 426, as amended by L. 1890, Ch. 458, § 1.]

§ 1991. Injuring railroad property and appurtenances; obstructing tracks. A person who wilfully:

1. Displaces, loosens, removes, injures or destroys any rail, sleeper, switch, bridge, viaduct, culvert, embankment or structure or any part thereof, attached, appertaining to or connected with any railway, or by any other means attempts to wreck, destroy, or so damage any car, tender, locomotive or railway train or part thereof, while moving or standing upon any railway track in this state, as to render such car, tender, locomotive or railway train wholly or partially unfitted for its ordinary use, whether operated by steam, electricity or other motive power; or,

2. Places any obstruction upon the track of any such railway;
or,

3. Wilfully destroys or breaks any guard erected or maintained by a railroad corporation as a warning signal for the protection of its employees; or,

4. Wilfully discharges a loaded fire-arm, or projects, or throws a stone or other missile at a railway train, or at a locomotive, car or vehicle standing or moving upon a railway; or,

5. Wilfully displaces, removes, cuts, injures or destroys any wire, insulator, pole, dynamo, motor, locomotive, or any part thereof, attached, appertaining to or connected with any railway operated by electricity, or wilfully interferes with or interrupts any motive power used in running such road, or wilfully places any obstruction upon the track of such railroad, or wilfully discharges a loaded fire-arm, or projects or throws a stone or any other missile at such railway train or locomotive, car or vehicle, standing or moving upon such railway; or,

6. Removes a journal brass from a car while standing upon any railroad track in this state, without authority from some person who has a right to give such authority,

Is punishable as follows: First. If thereby the safety of any person is endangered, by imprisonment for not more than twenty years. Second. In every other case by imprisonment for not more than five years.

[Penal Code § 635, as amended by L. 1890, Ch. 280, § 1; L. 1892, Ch. 692, § 1; L. 1895, Ch. 726, § 1; L. 1897, Ch. 183, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Railroads: Altering or showing false signal, *see* Malicious Mischief, § 1422.

Interference with brakes or blocking, *see* Malicious Mischief, § 1433.

Unauthorized use of cars, *see* Malicious Mischief, § 1433.]

ARTICLE 180

Rape

Section 2010. Rape defined.

2011. *Penetration sufficient.*

2012. *When physical ability must be proved.*

2013. *No conviction for rape on unsupported testimony.*

§ 2010. Rape defined. A person who perpetrates an act of sexual intercourse with a female not his wife, against her will or without her consent; or,

1. When through idiocy, imbecility or any unsoundness of mind, either temporary or permanent, she is incapable of giving consent, or, by reason of mental or physical weakness, or immaturity, or any bodily ailment, she does not offer resistance; or,

2. When her resistance is forcibly overcome; or,

3. When her resistance is prevented by fear of immediate and great bodily harm, which she has reasonable cause to believe will be inflicted upon her; or,

4. When her resistance is prevented by stupor, or weakness of mind produced by an intoxicating, or narcotic, or anæsthetic agent; or, when she is known by the defendant to be in such state of stupor or weakness of mind from any cause; or,

5. When she is, at the time, unconscious of the nature of the act, and this is known to the defendant; or when she is in the custody of the law, or of any officer thereof, or in any place of lawful detention, temporary or permanent,

Is guilty of rape in the first degree and punishable by imprisonment for not more than twenty years.

A person who perpetrates an act of sexual intercourse with a female, not his wife, under the age of eighteen years, under circumstances not amounting to rape in the first degree, is guilty of rape in the second degree, and punishable with imprisonment for not more than ten years.

[Penal Code § 278, as amended by L. 1882, Ch. 384, § 1; subd. 1, as amended by L. 1887, Ch. 693, § 1; L. 1892, Ch. 325, § 1; subd. 5, as amended by L. 1895, Ch. 460, § 1.]

§ 2011. Penetration sufficient. Any sexual penetration, however slight, is sufficient to complete the crime.

[Penal Code § 280.]

§ 2012. When physical ability must be proved. No conviction for rape can be had against one who was under the age of fourteen years, at the time of the act alleged, unless his physical ability to accomplish penetration is proved as an independent fact, beyond a reasonable doubt.

[Penal Code § 279.]

[See note 6] **§ 2013. No conviction for rape on unsupported testimony.** No conviction can be had for [abduction, compulsory marriage] rape or defilement upon the testimony of the female [abducted, compelled or] defiled, unsupported by other evidence.
[Penal Code § 283, as amended by L. 1886, Ch. 663, § 1.]

ARTICLE 182

Real Property

Section 2030. Contracts in relation to Indian lands.

2031. *Buying lands in suit of person not in possession.*

2032. *Buying pretended titles to real property.*

2033. *Mortgage of lands under adverse possession not prohibited.*

2034. *Forcible entry and detainer.*

2035. *Returning to take possession of lands after being removed by legal process.*

Section 2036. Unlawful intrusion on real property.

2037. Person leaving the state to elude provisions of this article.

2038. Witnesses' privilege.

2039. Misdemeanor for certain officers to purchase real property.

2040. Misdemeanor for person to violate certain duty in summary proceedings.

§ 2030. Contracts in relation to Indian lands. A person who without the authority and consent of the legislature, in any manner or for or on any terms, purchases any lands within this state of any Indian residing therein, or makes any contract with any Indian for or concerning the sale of any lands within this state, or gives, sells, demises, conveys or otherwise disposes of any such lands, or any interest therein, or offers so to do, or enters upon or takes possession of or settles upon any such lands, by pretext or color of any right or interest in the same, in consequence of any such purchase, or contract made or to be made, since October fourteenth, seventeen hundred and seventy-five, is guilty of a misdemeanor.

[Penal Code § 384a, added by L. 1893, Ch. 692, § 2.]

§ 2031. Buying lands in suit of person not in possession. A person who takes a conveyance of any lands or tenements, or of any interest or estate therein, from any person not being in the possession thereof, while such lands or tenements are the subject of controversy, by suit in any court, knowing the pendency of such suit and that the grantor was not in possession of such lands or tenements, is guilty of a misdemeanor.

[Penal Code § 129.]

§ 2032. Buying pretended titles to real property. A person who buys or sells, or in any manner procures, or takes or makes any covenant or promise to convey any right, or title real or pretended, to any lands or tenements, unless the grantor thereof or the person making such covenant or promise has been in possession, or he and those by whom he claims, have been in possession of the same or of the reversion and remainder thereof, or have taken the rents and profits thereof for the space of one year before such covenant or promise made, is guilty of a misdemeanor.

[Penal Code § 130.]

§ 2033. Mortgage of lands under adverse possession not prohibited. [The last two] Sections two thousand and thirty-one and two thousand and thirty-two shall not be construed to prevent any person having a just title to lands in the adverse possession of another, from executing a mortgage upon such lands, nor shall said sections apply to any conveyance or release of lands or tenements to any person in the lawful possession thereof.

[Penal Code § 131, as amended by L. 1888, Ch. 282, § 1.]

§ 2034. Forcible entry and detainer. A person, guilty of using, or of procuring, encouraging or assisting another to use, any force or violence in entering upon or detaining any lands or other possessions of another, except in the cases and the manner allowed by law, is guilty of a misdemeanor.

[Penal Code § 465.]

§ 2035. Returning to take possession of lands after being removed by legal process. A person, who has been removed from any lands by process of law, or who has removed from any lands pursuant to the lawful adjudication or direction of any court, tribunal or officer, and who afterwards, without authority of law, returns to settle or reside upon or take possession of such lands, is guilty of a misdemeanor.

[Penal Code § 466.]

§ 2036. Unlawful intrusion on real property. A person, who intrudes upon any lot or piece of land within the bounds of a city or village, without authority from the owner thereof, or who erects or occupies thereon any hut, or other structure whatever without such authority; and a person who places, erects, or occupies within the bounds of any street or avenue of a city or village, any hut, or other structure, without lawful authority, is guilty of a misdemeanor.

[Penal Code § 467.]

§ 2037. Person leaving the state to elude provisions of this article. A person who leaves the state, with intent to elude any provision of [this title] the last three sections, or to commit any act without the state, which is prohibited by [this title] the last three sections, or who, being a resident of this state, does any act without the state, which would be punishable by the provisions of [this title] the last three sections,

[See note 81]

if committed within the state, is guilty of the same offense and subject to the same punishment, as if the act had been committed within this state.

[Penal Code § 461.]

§ 2038. Witnesses' privilege. No person shall be excused from giving evidence upon an investigation or prosecution for any of the offenses specified in [this title] sections two thousand and thirty-four, two thousand and thirty-five and two thousand and thirty-six, upon the ground that the evidence might tend to convict him of a crime. But such evidence shall not be received against him upon any criminal proceeding.

[Penal Code § 469.]

§ 2039. Misdemeanor for certain officers to purchase real property. A commissioner, or other officer, making a sale of real property, as prescribed in [this] title one of chapter fourteen of the code of civil procedure, or a guardian of an infant party to the action, shall not, nor shall any person, for his benefit, directly or indirectly, purchase, or be interested in the purchase of, any of the property sold; except that a guardian may, where he is lawfully authorized so to do, purchase for the benefit or in behalf of his ward. The violation of this section is a misdemeanor; and a purchase, made contrary to this section, is void].

[Code Civil Procedure § 1679, pt.]

§ 2040. Misdemeanor for person to violate certain duty in summary proceedings. A person to whom a copy of a precept directed to another, is delivered, in summary proceedings to recover the possession of real property, who wilfully violates any provision of [this] section twenty-two hundred and forty-one of the code of civil procedure, is guilty of a misdemeanor.

[Code Civil Procedure § 2241, pt.]

§ 640e. In cities of the first and second class, any person who shall make application to any other person, or to any corporation, for a loan upon any real property without the written authority [See note 96]

of the owner of such real property, or of his attorney in fact, appointed in writing, or of a person who has made a written contract for the purchase of such property with the owner thereof, shall be guilty of a misdemeanor.】

【REFERENCES FOR OTHER SUBJECTS:

Real property: Affixing advertisement to, *see* Advertisements, § 121.

Intrusion on, *see* Malicious Mischief, § 1425.

Receiving stolen property, *see* Stealing, § 2279.】

ARTICLE 184

Records and Documents

Section 2050. Injury to public record.

2051. Offering false or forged instruments to be filed or recorded.

§ 2050. Injury to public record. A person who, wilfully and unlawfully removes, mutilates, destroys, conceals, or obliterates a record, map, book, paper, document, or other thing, filed or deposited in a public office or with any public officer by authority of law, is punishable by imprisonment for not more than five years, or by a fine of not more than five hundred dollars, or by both.

[Penal Code § 94.]

§ 2051. Offering false or forged instruments to be filed or recorded. A person who knowingly procures or offers any false or forged instrument to be filed, registered or recorded in any public office within this state, which instrument, if genuine, might be filed or registered or recorded under any law of this state or of the United States, is guilty of felony.

[Penal Code § 95.]

【REFERENCES FOR OTHER SUBJECTS:

Records and documents: False certificate of record, *see* Public Offices and Officers, § 1860.

Injury to by ministerial officers, *see* Public Offices and Officers, § 1838.

Neglecting to make transcript; false certificate, *see* Public Offices and Officers, § 1875.

Recording without acknowledgment, *see* Public Offices and Officers, § 1862.】

ARTICLE 186**Religion**

Section 2070. Preventing performance of religious act.

2071. Disturbing religious meetings.

2072. Definition of the offense.

2073. Compelling adoption of a form of belief.

§ 2070. Preventing performance of religious act.

A person who wilfully prevents by threats or violence another person from performing any lawful act enjoined upon or recommended to such person by the religion which he professes, is guilty of a misdemeanor.

[Penal Code § 273.]

§ 2071. Disturbing religious meetings. A person who wilfully disturbs, interrupts or disquiets any assemblage of people met for religious worship, by any of the acts enumerated in the next section, is guilty of a misdemeanor.

[Penal Code § 274.]

§ 2072. Definition of the offense. The following acts, or any of them, except as permitted by [chapter four hundred [See note 97] and seventy-nine of the laws of eighteen hundred and eighty-seven or the acts amendatory thereof] section two hundred and eighty-two of membership corporations law, constitute a disturbance of a religious meeting:

1. Uttering any profane discourse, committing any rude or indecent act, or making any unnecessary noise, either within the place where such meeting is held, or so near it as to disturb the order and solemnity of the meeting;

2. Engaging in, or promoting, within two miles of the place where a religious meeting is held, any racing of animals or gambling of any description; or elsewhere than in a city or village keeping open any huckster shop, inn, store or grocery, in any other place than that in which such business shall have usually been carried on; or elsewhere than in a city exhibiting within the distance aforesaid any shows or plays, unless the same shall have been duly licensed by the proper authorities;

3. Obstructing in any manner without authority of law, within the like distance, free passage along a highway to the place of such meeting.

[Penal Code § 275, as amended by L. 1893, Ch. 292, § 1.]

§ 2073. Compelling adoption of a form of belief.

An attempt by means of threats or violence, to compel any person to adopt, practice or profess a particular form of religious belief, is a misdemeanor.

[Penal Code § 272.]

[REFERENCES FOR OTHER SUBJECTS:

Religion; injury to house of worship and contents, *see* Malicious Mischief, § 1430.

Remains of the dead, *see* Sepulture.

Resisting executive officer, *see* Public Offices and Officers, § 1825.

Resisting public officer, *see* Public Offices and Officers, § 1851.

Rewards: For omitting or delaying official acts, *see* Public Offices and Officers, § 1829.

Taking unlawful, in extradition cases, *see* Public Offices and Officers, § 1831.

Rights of persons, *see* General Provisions, §§ 23, 24.]

ARTICLE 188**Riots and Unlawful Assemblies**

Section 2090. Riot defined.

2091. *Punishment of riot.*

2092. *Unlawful assemblies.*

2093. *Remaining present at place of riot or unlawful assembly after warning.*

2094. *Remaining present at place of a meeting, originally lawful, after it has adopted an unlawful purpose.*

2095. *Refusing to assist in arresting rioter.*

2096. *Leaving state with intent to elude provisions of this article.*

2097. *Witnesses' privilege.*

§ 2090. Riot defined. Whenever three or more persons, having assembled for any purpose, disturb the public peace, by using force or violence to any other person, or to property, or threaten or attempt to commit such disturbance, or to do an unlawful act by the use of force or violence, accompanied with the power of immediate execution of such threat or attempt, they are guilty of riot.

[Penal Code, § 449.]

§ 2091. Punishment of riot. A person guilty of riot, or of participating in a riot, either by being personally present, or by instigating, promoting, or aiding the same, is punishable as follows:

1. If the purpose of the assembly, or of the acts done or threatened or intended by the persons engaged, is to resist the enforcement of a statute of this state, or of the United States, or to obstruct any public officer of this state, or of the United States, in serving or executing any process or other mandate of a court of competent jurisdiction, or in the performance of any other duty; or if the offender carries, at the time of the riot, fire-arms or any other dangerous weapon, or is disguised; by imprisonment for not more than five years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment.

2. In any other case, if the offender directs, advises, encourages, or solicits other persons, present or participating in the riot or assembly, to acts of force or violence, by imprisonment for not more than two years, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment.

3. In any case, not embraced within the foregoing subdivisions of this section, by imprisonment for not more than one year, or by a fine of not more than two hundred and fifty dollars, or by both such fine and imprisonment.

[Penal Code § 450.]

§ 2092. Unlawful assemblies. Whenever three or more persons:

1. Assemble with intent to commit any unlawful act by force; or,

2. Assemble with intent to carry out any purpose in such a manner as to disturb the public peace; or,

3. Being assembled attempt or threaten any act tending towards a breach of the peace, or an injury to person or property, or any unlawful act;

Such an assembly is unlawful, and every person participating therein by his presence, aid or instigation, is guilty of a misdemeanor.

But this section shall not be so construed as to prevent the peaceable assembling of persons for lawful purposes of protest or petition.

[Penal Code § 451, as amended by L. 1882, Ch. 384, § 1.]

§ 2093. Remaining present at place of riot or unlawful assembly after warning. A person, remaining present at the place of an unlawful assembly or riot, after the

persons assembled have been warned to disperse by a magistrate or public officer, is guilty of a misdemeanor, unless as a public officer, or at the request or command of a public officer, he is endeavoring or assisting to disperse the same, or to protect persons or property, or to arrest the offenders.

[Penal Code § 454.]

§ 2094. Remaining present at place of a meeting, originally lawful, after it has adopted an unlawful purpose. Where three or more persons assemble for a lawful purpose, and afterwards proceed to commit an act that would amount to a riot, if it had been the original purpose of the meeting, every person who does not retire when the change of purpose is made known, or such act is committed, except public officers and persons assisting them in attempting to disperse the assembly, is guilty of a misdemeanor.

[Penal Code § 455.]

§ 2095. Refusing to assist in arresting rioter. A person, present at the place of an unlawful assembly or riot, who, being commanded by a duly authorized public officer to act or aid in suppressing the riot, or in protecting persons or property, or in arresting a person guilty of or charged with participating in the unlawful assembly or riot, neglects or refuses to obey such command, is guilty of a misdemeanor.

[Penal Code § 456.]

[See note 81] **§ 2096. Leaving state with intent to elude provisions of this article.** A person who leaves the state, with intent to elude any provision of this [title] article, or to commit any act without the state, which is prohibited by this [title] article, or who, being a resident of this state, does any act without the state, which would be punishable by the provisions of this [title] article, if committed within the state, is guilty of the same offense and subject to the same punishment, as if the act had been committed within this state.

[Penal Code § 461.]

[See note 98] **§ 2097. Witnesses' privilege.** No person shall be excused from giving evidence upon an investigation or prosecution for any of the offenses specified in this [title] article, upon the ground that the evidence might tend to convict him of a crime.

But such evidence shall not be received against him upon any criminal proceeding.

[Penal Code § 469.]

[REFERENCES FOR OTHER SUBJECTS:

Roads and streets, *see* Highways.]

ARTICLE 190

Robbery

Section 2120. Robbery defined.

2121. *Force or fear must be employed.*

2122. *Degree of force immaterial.*

2123. *Taking property secretly not robbery.*

2124. *Robbery in first degree.*

2125. *Punishment of robbery in first degree.*

2126. *Robbery in second degree.*

2127. *Punishment of robbery in second degree.*

2128. *Robbery in third degree.*

2129. *Punishment of robbery in third degree.*

§ 2120. Robbery defined. Robbery is the unlawful taking of personal property, from the person or in the presence of another, against his will, by means of force, or violence, or fear of injury, immediate or future, to his person or property, or the person or property of a relative or member of his family, or of any one in his company at the time of the robbery.

[Penal Code § 224.]

§ 2121. Force or fear must be employed. To constitute robbery, the force or fear must be employed either to obtain or retain possession of the property or to prevent or overcome resistance to the taking. If employed merely as a means of escape it does not constitute robbery.

[Penal Code § 225.]

§ 2122. Degree of force immaterial. When force is employed in either of the ways specified in the last section, the degree of force employed is immaterial.

[Penal Code § 226.]

§ 2123. Taking property secretly not robbery. The taking of property from the person of another is robbery, when it appears that although the taking was fully completed without

his knowledge, such knowledge was prevented by the use of force or fear.

[Penal Code § 227.]

[See note 99] **§ 2124. Robbery in first degree.** An unlawful taking or compulsion, if accomplished by force or fear, in a case specified in the foregoing sections of this [chapter] article is robbery in the first degree, when committed by a person:

1. Being armed with a dangerous weapon; or,
2. Being aided by an accomplice actually present; or,
3. When the offender inflicts grievous bodily harm or injury upon the person from whose possession, or in whose presence, the property is taken, or upon the wife, husband, servant, child, or inmate of the family of such person, or any one in his company at the time, in order to accomplish the robbery.

[Penal Code § 228.]

§ 2125. Punishment of robbery in first degree. Robbery in the first degree is punishable by imprisonment for a term not exceeding twenty years.

[Penal Code § 231, as amended by L. 1892, Ch. 662, § 8.]

[See note 99] **§ 2126. Robbery in second degree.** Such unlawful taking or compulsion, when accomplished by force or fear, in a case specified in the foregoing sections of this [chapter] article, but not under circumstances amounting to robbery in the first degree, is robbery in the second degree, when accomplished [either]:

1. By the use of violence; or,
2. By putting the person robbed in fear of immediate injury to his person or that of some one in his company.

[Penal Code § 229.]

§ 2127. Punishment of robbery in second degree. Robbery in the second degree is punishable by imprisonment for a term not exceeding fifteen years.

[Penal Code § 232, as amended by L. 1892, Ch. 662, § 9.]

§ 2128. Robbery in third degree. A person who robs another, under circumstances not amounting to robbery in the first or second degree, is guilty of robbery in the third degree.

[Penal Code § 230.]

§ 2129. Punishment of robbery in third degree.

Robbery in the third degree is punishable by imprisonment for not more than ten years.

[Penal Code § 233.]

ARTICLE 192**Sabbath***Section 2140. The Sabbath.*

2141. *Sabbath breaking.*

2142. *Punishment for Sabbath breaking.*

2143. *Labor prohibited on Sunday.*

2144. *Persons observing another day as a Sabbath.*

2145. *Public sports on Sunday.*

2146. *Trades, manufactures, and mechanical employments prohibited on Sunday.*

2147. *Public traffic on Sunday.*

2148. *Serving process on Sunday.*

2149. *Forfeiture of commodities exposed for sale on Sunday.*

2150. *Maliciously serving process on Saturday on person who keeps Saturday as holy time.*

2151. *Processions and parades on Sunday.*

2152. *Theatrical and other performances on Sunday.*

2153. *Barbering on Sunday.*

§ 2140. The Sabbath. The first day of the week being by general consent set apart for rest and religious uses, the law prohibits the doing on that day of certain acts hereinafter specified, which are serious interruptions of the repose and religious liberty of the community.

[Penal Code § 259.]

§ 2141. Sabbath breaking. A violation of the foregoing prohibition is Sabbath breaking.

[Penal Code § 260.]

§ 2142. Punishment for Sabbath breaking. Sabbath breaking is a misdemeanor, punishable by a fine not less than five dollars and not more than ten dollars, or by imprisonment in a county jail not exceeding five days, or by both, but for a second or other offense, where the party shall have been previ-

ously convicted, it shall be punishable by a fine not less than ten dollars and not more than twenty dollars, and by imprisonment in a county jail not less than five nor more than twenty days.

[Penal Code § 269, as amended by L. 1887, Ch. 535, § 1.]

§ 2143. Labor prohibited on Sunday. All labor on Sunday is prohibited, excepting the works of necessity and charity. In works of necessity or charity is included whatever is needful during the day for the good order, health or comfort of the community.

[Penal Code § 263, as amended by L. 1883, Ch. 358, § 1.]

§ 2144. Persons observing another day as a Sabbath. It is a sufficient defense to a prosecution for work or labor on the first day of the week that the defendant uniformly keeps another day of the week as holy time, and does not labor on that day, and that the labor complained of was done in such manner as not to interrupt or disturb other persons in observing the first day of the week as holy time.

[Penal Code § 264, as amended by L. 1885, Ch. 519, § 1.]

§ 2145. Public sports on Sunday. All shooting, hunting, fishing, playing, horse racing, gaming or other public sports, exercises or shows, upon the first day of the week, and all noise disturbing the peace of the day are prohibited.

[Penal Code § 265, as amended by L. 1883, Ch. 358, § 2.]

§ 2146. Trades, manufactures, and mechanical employments prohibited on Sunday. All trades, manufactures, agricultural or mechanical employments upon the first day of the week are prohibited, except that when the same are works of necessity they may be performed on that day in their usual and orderly manner, so as not to interfere with the repose and religious liberty of the community.

[Penal Code § 266, as amended by L. 1883, Ch. 358, § 3.]

§ 2147. Public traffic on Sunday. All manner of public selling or offering for sale of any property upon Sunday is prohibited, except that articles of food may be sold and supplied at any time before ten o'clock in the morning, and except also that meals may be sold to be eaten on the premises where sold or served elsewhere by caterers; and prepared tobacco, milk, ice and soda-water in places other than where spirituous or malt liquors or wines are kept or offered for sale, and fruit, flowers, confection-

tionery, newspapers, drugs, medicines and surgical appliances may be sold in a quiet and orderly manner at any time of the day. The provisions of this section, however, shall not be construed to allow or permit the public sale or exposing for sale or delivery of uncooked flesh foods, or meats, fresh or salt, at any hour or time of the day.

[Penal Code § 267, as amended by L. 1883, Ch. 358, § 4; L. 1896, Ch. 648, § 1; L. 1901, Ch. 392, § 1.]

§ 2148. Serving process on Sunday. All service of legal process, of any kind whatever, on the first day of the week is prohibited, except in cases of breach of the peace or apprehended breach of the peace or when sued out for the apprehension of a person charged with crime, or except where such service is specially authorized by statute. Service of any process upon said day except as herein permitted is absolutely void for any and every purpose whatsoever.

[Penal Code § 268, as amended by L. 1892, Ch. 622, § 1.]

§ 2149. Forfeiture of commodities exposed for sale on Sunday. In addition to the penalty imposed by [the last] ^[See note 100] section twenty-one hundred and forty-two, all property and commodities exposed for sale on the first day of the week in violation of the provisions of this [chapter] article shall be forfeited. Upon conviction of the offender by a justice of the peace of a county, or by any police justice or magistrate, [or by a mayor, recorder or alderman of a city,] such officer shall issue a warrant for the seizure of the forfeited articles, which, when seized, shall be sold on one day's notice, and the proceeds paid to the overseers of the poor, for the use of the poor of the town or city.

[Penal Code § 270, as amended by L. 1883, Ch. 358, § 5.]

§ 2150. Maliciously serving process on Saturday on person who keeps Saturday as holy time. Whoever maliciously procures any process in a civil action to be served on Saturday, upon any person who keeps Saturday as holy time, and does not labor on that day, or serves upon him any process returnable on that day, or maliciously procures any civil action to which such person is a party to be adjourned to that day for trial, is guilty of a misdemeanor.

[Penal Code § 271.]

§ 2151. Processions and parades on Sunday. All processions and parades on Sunday in any city, excepting only

funeral processions for the actual burial of the dead, and processions to and from a place of worship in connection with a religious service there celebrated, are forbidden; and in such excepted cases there shall be no music, fire-works, discharge of cannon or fire-arms, or other **[disbursing]** disturbing noise. At a military funeral, and at the burial of a national guardsman, or of a deceased member of an association of veteran soldiers, or of a disbanded militia regiment, or of a secret fraternal society, music may be played while escorting the body, but not within one block of a place of worship where service is then being celebrated. A person wilfully violating any provision of this section is punishable by a fine not exceeding twenty dollars or imprisonment not exceeding ten days, or by both.

[Penal Code § 276, as amended by L. 1883, Ch. 302, § 1; L. 1883, Ch. 358, § 6; L. 1895, Ch. 778, § 1.]

§ 2152. Theatrical and other performances on Sunday. The performance of any tragedy, comedy, opera, ballet, farce, negro minstrelsy, negro or other dancing, wrestling, boxing with or without gloves, sparring contest, trial of strength, or any part or parts therein, or any circus, equestrian or dramatic performance or exercise, or any performance or exercise of jugglers, acrobats, club performances or rope dancers on the first day of the week is forbidden; and every person aiding in such exhibition, performance or exercise by advertisement, posting or otherwise, and every owner or lessee of any garden, building or other room, place or structure, who leases or lets the same for the purpose of any such exhibition, performance or exercise, or who assents to the use of the same, for any such purpose, if it be so used, is guilty of a misdemeanor.

In addition to the punishment therefor provided by statute, every person violating this section is subject to a penalty of five hundred dollars, which penalty "The Society for the Reformation of Juvenile Delinquents" in the city of New York, for the use of that society, and the overseers of the poor in any other city or town, for the use of the poor, are authorized, in the name of the people of this state, to recover.

Besides this penalty, every such exhibition, performance or exercise, of itself, annuls any license which may have been previously obtained by the manager, superintendent, agent, owner or lessee, using or letting such building, garden, room, place or other structure, or consenting to such exhibition, performance or exercise.

[Penal Code § 277, as amended by L. 1883, Ch. 358, § 7.]

§ 2153. Barbering on Sunday. Any person who carries on or engages in the business of shaving, hair cutting or other work of a barber on the first day of the week, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five dollars; and upon a second conviction for a like offense shall be fined not less than ten dollars and not more than twenty-five dollars, or be imprisoned in the county jail for a period of not less than ten days, nor more than twenty-five days, or be punishable by both such fine and such imprisonment at the discretion of the court or magistrate; provided, that in the village of Saratoga Springs, from the fifteenth day of June to the fifteenth day of September, inclusive, and in the city of New York throughout the year, barber shops or other places where a barber is engaged in shaving, hair cutting or other work of a barber, may be kept open, and the work of a barber may be performed therein until one o'clock of the afternoon of the first day of the week.

[L. 1895, Ch. 823, § 1, as amended by L. 1907, Ch. 297, § 1.]

ARTICLE 194

Salt Works

Section 2170. Injuries to the Onondaga salt works.

§ 2170. Injuries to the Onondaga salt works. A person who wilfully burns, destroys, or injures any salt manufactory connected with the Onondaga salt springs, or any building appurtenant to such manufactory or any part of such manufactory, or any of the buildings, reservoirs, pumps, conductors or water conduits, belonging to this state, used in the raising of salt water for the manufacture of salt, without authority of law, is punishable by imprisonment in a state prison not exceeding five years.

[Penal Code § 483.]

[REFERENCES FOR OTHER SUBJECTS:

Salt works; contamination of salt wells, *see* Public Health, § 1758.

[REFERENCES FOR OTHER SUBJECTS — Continued:

Scaffolding; insecure, *see* Labor, § 1276.

Schools; excluding certain persons, *see* Civil Rights, § 514.

School officers: Not to draw certain drafts, *see* Public Offices and Officers, § 1871.

Not to be interested in contracts, *see* Public Offices and Officers, § 1868.

Search warrant: Maliciously procuring, *see* Public Justice, § 1786.

Misconduct in executing, *see* Public Offices and Officers, § 1847.

Seduction; under promise of marriage, *see* Women, § 2461.]

ARTICLE 196**Sentence**

Section 2180. Place to be specified in sentence; removal of convicts.

2181. *Sentence to imprisonment for less than one year.*

2182. *Sentence to imprisonment for one year.*

2183. *Sentence to imprisonment for more than one year.*

2184. *Sentence to house of refuge, state industrial school, and New York state training school for girls.*

2185. *Sentence of males between sixteen and thirty years of age.*

2186. *Sentence of minors to imprisonment.*

2187. *Sentence of female convicts to imprisonment.*

2188. *Duty of court to sentence; suspending sentence.*

2189. *Indeterminate sentences to state prisons.*

2190. *Sentence to imprisonment on two or more convictions.*

2191. *Sentence when punishment prescribed is imprisonment for not less than a specified time.*

2192. *Sentence where punishment prescribed is imprisonment for not more than a specified time.*

2193. *Calculating term of imprisonment.*

2194. *Sentence of minor under sixteen years of age.*

2195. *Imprisonment when sentenced to a reformatory.*

2196. *Sentence to penitentiary under the provisions of § 320 of prison law, of person not punishable by imprisonment in state prison.*

2197. *Sentence to penitentiary under the provisions of § 320 of prison law, when term of imprisonment is five years or less.*

§ 2180. Place to be specified in sentence; removal of convicts. The place of the imprisonment must be specified in the judgment and sentence of the court. But convicts may be removed from one place of confinement to another, in a case, and by the authority, designated by statute.

[Penal Code § 705.]

§ 2181. Sentence to imprisonment for less than one year. Where a person is convicted of a crime, for which the punishment inflicted is imprisonment for a term less than one year, the imprisonment must be inflicted by confinement in the county jail, or place of confinement designated by law to be used as the jail of the county, except when otherwise specially prescribed by statute.

[Penal Code § 702.]

§ 2182. Sentence to imprisonment for one year. Where a person is convicted of a crime, for which the punishment inflicted is imprisonment for a term of one year, he may be sentenced to, and the imprisonment may be inflicted by, confinement either in a county jail, or in a penitentiary or state prison. No person shall be sentenced to imprisonment in a state prison for less than one year.

[Penal Code § 703.]

§ 2183. Sentence to imprisonment for more than one year. Where a person is convicted of a crime, for which the punishment inflicted is imprisonment for a term exceeding one year, or is sentenced to imprisonment for such a term, the imprisonment must be inflicted by confinement at hard labor in a state prison. But this and [the two last] sections twenty-one hundred and eighty-one and twenty-one hundred and eighty-two shall not apply to a case where special provision is made by statute as to the punishment for any particular offense or class of offenses or offenders, nor to the cases specified in sections [six hundred and ninety-eight, six hundred and ninety-nine, seven hundred and seven hundred and one] twenty-one hundred and eighty-four, twenty-one hundred and eighty-five, twenty-one hundred and eighty-six and twenty-one hundred and eighty-seven.

[Penal Code § 704.]

[See note
100a.]

§ 2184. Sentence to house of refuge, state industrial school, and New York state training school for girls. Where a male person under the age of twelve years is convicted of a crime amounting to felony, or where a male person of twelve years and under the age of sixteen years is convicted of a crime, the trial court may, instead of sentencing him to imprisonment in a state prison or in a penitentiary, direct him to be confined in a house of refuge under the provisions of the statute relating thereto. Where the conviction is had and the sentence is inflicted in the first, second, [or] third or ninth judicial district, the place of confinement must be a house of refuge established by the managers of the society for the reformation of juvenile delinquents in the city of New York; where the conviction is had and the sentence inflicted in any other district, the place of confinement must be in the state industrial school. Where a female person not over the age of twelve years is convicted of a crime amounting to felony, or where a female person of the age of twelve years and not over the age of sixteen years is convicted of a crime, the trial court may, instead of sentencing her to imprisonment in a state prison or in a penitentiary, direct her to be confined in the New York state training school for girls, under the provisions of the statute relating thereto. But nothing in this section shall affect any of the provisions contained in section [seven hundred and thirteen] twenty-one hundred and ninety-four.

[Penal Code § 701, as amended by L. 1896, Ch. 554, § 1; L. 1904, Ch. 388, § 1.]

§ 2185. Sentence of males between sixteen and thirty years of age. A male between the ages of sixteen and thirty, convicted of a felony, who has not theretofore been convicted of a crime punishable by imprisonment in a state prison, may, in the discretion of the trial court, be sentenced to imprisonment in the New York state reformatory at Elmira, to be there confined under the provisions of law relating to that reformatory.

[Penal Code § 700, as amended by L. 1888, Ch. 145, § 8.]

§ 2186. Sentence of minors to imprisonment. Where a male person between the ages of sixteen and twenty-one years is convicted of a felony, or where the term of imprisonment of a male convict for a felony is fixed by the trial court at one year or less, the court may direct the convict to be imprisoned in a county penitentiary, instead of a state prison, or in the county jail located in the county where sentence is imposed. The commission by a child under the age of sixteen years, of a crime, not capital or

punishable by life imprisonment, which if committed by an adult would be a felony, renders such child guilty of a misdemeanor only, but any other person concerned therein, whether as principal or accessory, who otherwise would be punishable as a principal in the felony, shall be punishable as a principal in the same manner as if such child were over sixteen years of age at the time the crime was committed. A conviction of any child under the age of sixteen years of a crime for which, if the child were an adult, the penalty for conviction could be ten years' imprisonment or less shall not work any penalty or deprivation of any right or privilege except such as is imposed by the court or magistrate in pursuance with such conviction.

[Penal Code § 699, as amended by L. 1892, Ch. 496, § 1; L. 1894, Ch. 726, § 1; L. 1896, Ch. 553, § 1; L. 1902, Ch. 103, § 1; L. 1905, Ch. 655, § 4; L. 1907, Ch. 417, § 1.]

§ 2187. Sentence of female convicts to imprisonment. Any woman over the age of sixteen years, who shall be convicted of a felony in any of the courts of this state, shall, when the sentence imposed is one year or more, be sentenced to imprisonment in the state prison for women at Auburn. When the sentence imposed is less than one year, she may be committed to the county jail of the county where convicted, or to a penitentiary, or to the state prison for women at Auburn. A woman between the ages of fifteen and thirty, convicted of a felony, who has not theretofore been convicted of a crime punishable by imprisonment in a state prison, may in the discretion of the trial court be sentenced to a house of refuge or reformatory for women, to be there confined under the provisions of law relating to such house of refuge or reformatory.

[Penal Code § 698, as amended by L. 1896, Ch. 374, § 1; L. 1900, Ch. 114, § 1.]

§ 2188. Duty of court to sentence; suspending sentence. The several sections of this [code] chapter which declare certain crimes to be punishable as therein mentioned devolve a duty upon the court authorized to pass sentence to determine and impose the punishment prescribed, but such court may in its discretion suspend sentence, during the good behavior of the person convicted, where the maximum term of imprisonment prescribed by law does not exceed ten years and such person has never been convicted of a felony. Courts of special sessions are empowered to suspend sentence and at any time within the longest period for which a defendant might have been sentenced, may

issue process for the re-arrest of the defendant, and when arraigned the court as it is then constituted may proceed to enter judgment and impose sentence.

In the case of children under sixteen years of age, at the time of conviction, the longest period of time after suspension of sentence within which a sentence may be imposed for such offense shall be one year; and in any proceeding of a criminal nature, triable before a magistrate, the magistrate upon conviction, may suspend sentence and place the offender under probation and at any time thereafter, during the longest period for which he could have been committed in the first instance, such magistrate, or his successor, if his term has expired, may pronounce any judgment or sentence or impose any fine or other penalty, or make any commitment which might have been pronounced, imposed or made at the time the conviction was had.

[Penal Code § 12, as amended by L. 1893, Ch. 279, § 1; L. 1905, Ch. 655, § 1.]

§ 2189. Indeterminate sentences to state prisons.

A person never before convicted of a crime punishable by imprisonment in a state prison, who is convicted in any court in this state of a felony other than murder first or second degree, and sentenced to a state prison, shall be sentenced thereto under an indeterminate sentence, the minimum of which shall not be less than one year, or in case a minimum is fixed by law, not less than such minimum, and the maximum of which shall not be more than the longest period fixed by law for which the crime is punishable of which the offender is convicted. The maximum limit of such sentence shall be so fixed as to expire during either of the following months: April, May, June, July, August, September and October.

[Penal Code § 687a, added by L. 1901, Ch. 425, § 1, and amended by L. 1902, Ch. 282, § 1; L. 1906, Ch. 36, § 1; L. 1907, Ch. 737, § 1.]

§ 2190. Sentence to imprisonment on two or more convictions. Where a person is convicted of two or more offenses, before sentence has been pronounced upon him for either offense, the imprisonment, to which he is sentenced upon the second or other subsequent conviction, must commence at the termination of the first or other prior term or terms of imprisonment, to which he is sentenced.

Where a person, under sentence for a felony, afterward commits any other felony, and is thereof convicted and sentenced to

another term of imprisonment, the latter term shall not begin until the expiration of all the terms of imprisonment, to which he is already sentenced.

[Penal Code §§ 694, 695.]

§ 2191. Sentence when punishment prescribed is imprisonment for not less than a specified time. [See note 101]

When a crime is declared by statute to be punishable by imprisonment for not less than a specified number of years, and no limit of the duration of the imprisonment is declared, the court authorized to pronounce judgment upon conviction may, in its discretion, sentence the offender to imprisonment during his natural life, or for any number of years not less than the amount prescribed.

[Penal Code § 696, pt., as amended by L. 1892, Ch. 662, § 25. For remainder of section, see § 2192.]

§ 2192. Sentence where punishment prescribed is imprisonment for not more than a specified time.

[1.] When a crime is declared by any of the provisions of this [code] chapter to be punishable by imprisonment for not more than a specified number of years, the court authorized to pronounce judgment upon conviction may, in its discretion, sentence the offender to imprisonment for any time less than that prescribed by the provisions of this [act] chapter.

[Penal Code § 696, pt., as amended by L. 1892, Ch. 662, § 25. For remainder of section, see § 2191.]

§ 2193. Calculating term of imprisonment. When a convict is to be sentenced to imprisonment in a state prison or a penitentiary, the court before which the conviction was had must limit the term of the sentence, having reference to the probability of the convict earning a reduction of his term for good behavior, as provided by [chapter twenty-one of the laws of eighteen hundred and eighty-six] article nine of the prison law, and assuming that such reduction will be earned, so that the sentence will expire during either of the following months: April, May, June, July, August, September and October.

But the provisions of this section shall not apply in the following cases:

1. Where the sentence is to be for the term of one year or less.
2. Where the term of imprisonment for the crime of which the convict was convicted absolutely fixes a single definite period of time.

3. Where a judgment of conviction has been affirmed upon an appeal, and it becomes necessary for the court to impose the same sentence as that originally imposed.

The officers of every prison or penitentiary are hereby expressly prohibited from taking into their custody any convict sentenced in violation of the provisions of this section, and any convict so illegally sentenced shall be returned by the sheriff of the county where the conviction was had to the court to be re-sentenced in conformity to the provisions of this section. Provided that if it shall appear to the officers of any prison or penitentiary at the time it is sought to incarcerate a convict therein that the court which imposed the sentence has adjourned, then it shall be lawful for said officers to receive said convict and hold him in their custody until he can be re-sentenced as herein provided, and the second or re-sentence shall be deemed to have begun on the date of the convict's reception under his first sentence. The officers of any prison or penitentiary shall, in the case of a convict so illegally sentenced to imprisonment therein, immediately notify the court of their action.

[Penal Code § 697, as amended by L. 1886, Ch. 68, § 1; L. 1888, Ch. 492, § 1.]

§ 2194. Sentence of minor under sixteen years of age. When a person under the age of sixteen is convicted of a crime, he may, in the discretion of the court, instead of being sentenced to fine or imprisonment, be placed in charge of any suitable person or institution willing to receive him, and be thereafter, until majority or for a shorter term, subjected to such discipline and control of the person or institution receiving him as a parent or guardian may lawfully exercise over a minor. A child under sixteen years of age committed for misdemeanor, under any provision of this [code] chapter, must be committed to some reformatory, charitable or other institution authorized by law to receive and take charge of minors. And when any such child is committed to an institution it shall, when practicable, be committed to an institution governed by persons of the same religious faith as the parents of such child.

[Penal Code § 713, as amended by L. 1884, Ch. 46, § 9.]

§ 2195. Imprisonment when sentenced to a reformatory. When a person shall be sentenced to imprisonment in a reformatory as prescribed in section three hundred and

seven of the prison law, the court imposing such sentence shall not fix or limit the duration thereof.

[From L. 1887, Ch. 711, § 9, part, rewritten without change of effect.]

§ 2196. Sentence to penitentiary under the provisions of § 320 of the prison law, of person not punishable by imprisonment in state prison. It shall be the duty of every court, police justice, justice of the peace, or other magistrate, by whom any person may be sentenced, in the several counties of this state, for any term not less than sixty days, for any crime or misdemeanor not punishable by imprisonment in the state prison, during the continuance of the agreement mentioned in [the first section of this act] section three hundred and twenty of the prison law, to sentence such person to imprisonment in such penitentiary, there to be received, kept and employed in the manner prescribed by law, and the rules and discipline of such penitentiary; and it shall be the duty of such court, justice or magistrate, by a warrant, duly signed by the presiding judge, or justice or clerk of such court, or by such justice or other magistrate so giving such sentence, to cause such person so sentenced, to be forthwith and by the most direct route conveyed by some proper officer to such penitentiary.

[L. 1874, Ch. 209, § 2, as amended by L. 1876, Ch. 108, § 1.]

§ 2197. Sentence to penitentiary under the provisions of § 320 of the prison law when term of imprisonment is five years or less. Whenever any person shall be convicted of any offense punishable with imprisonment in the state prison for a term of five years or less, in any county of the state having a contract for the board, care and discipline of prisoners with any or either of the [county] penitentiaries [mentioned in this act] of Syracuse or Albany, or in any county situated in the third, fourth and fifth judicial departments of this state, the court before which such conviction shall be had [See note 102]

may in its discretion sentence the prisoner so convicted to imprisonment in [said] such penitentiary.

[L. 1869, Ch. 574, § 3, as amended by L. 1892, Ch. 587, § 1, and L. 1893, Ch. 114, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Sentence; for life, *see also* Civil Rights, § 511.]

ARTICLE 198

Sepulture

Section 2210. Right to direct disposal of one's own body after death.

2211. Duty of burial of the dead.

2212. Burial in other states.

2213. Right to dissect dead body of a human being.

2214. Unlawful dissection of the body of a human being.

2215. After dissection, remains must be buried.

2216. Body stealing.

2217. Receiving stolen body of a human being.

2218. Opening graves.

2219. Arresting or attaching a dead body of a human being.

2220. Disturbing funerals.

[See note 103] **§ 2210. Right to direct disposal of one's own body after death.** A person has the right to direct the manner in which his body shall be disposed of after his death; and also to direct the manner in which any part of his body, which becomes separated therefrom during his lifetime, shall be disposed of; and the provisions of this [chapter] article do not apply to any case where a person has given directions for the disposal of his body or any part thereof inconsistent with those provisions.

[Penal Code § 305.]

§ 2211. Duty of burial of the dead. Except in the cases in which a right to dissect it is expressly conferred by law, every dead body of a human being, lying within this state, must be decently buried within a reasonable time after death.

[Penal Code § 306.]

§ 2212. Burial in other states. The last section does not impair any right to carry the dead body of a human being

through this state, or to remove from this state the body of a person dying within it, for the purpose of burying the same elsewhere.

[Penal Code § 307.]

§ 2213. Right to dissect dead body of a human being. The right to dissect the dead body of a human being exists in the following cases:

1. In the cases prescribed by special statutes; or,
2. Whenever a coroner is authorized by law to hold an inquest upon a body, so far as such coroner authorizes dissection for the purposes of the inquest, and no further; or,
3. Whenever and so far as the husband, wife or next of kin of the deceased, being charged by law with the duty of burial, may authorize dissection for the purpose of ascertaining the cause of death, and no further; or,
4. Whenever any district attorney in this state, in the discharge of his official duties, shall deem it necessary, he may exhume, take possession of, and remove the body of a deceased person, or any portion thereof, and submit the same to a proper physical or chemical examination, or analysis, to ascertain the cause of death, and the same shall be made on the order of any justice of the supreme court of this state, or the county judge of the county in which such dead body shall be, which order shall be made on the application of the district attorney with or without notice to the relatives of the deceased person or to any person or corporation having the legal charge of such body, as the court may direct. Said district attorney shall have power to direct the sheriff, constable, or other peace officer in this state, or to employ such person, or persons as he may deem necessary to assist him in exhuming, removing, obtaining possession of and examining physically or chemically such dead body or any portion thereof. The expense therefor shall be a county charge, to be paid by the county treasurer on the certificate of the district attorney.

[Penal Code § 308, as amended by L. 1889, Ch. 500, § 1.]

§ 2214. Unlawful dissection of the body of a human being. A person who makes, or causes or procures to be made, any dissection of the body of a human being, except by authority of law, or in pursuance of a permission given by the deceased, is guilty of a misdemeanor.

[Penal Code § 309.]

§ 2215. After dissection, remains must be buried. [See note 104]
In all cases in which a dissection has been made, the provisions

of this [chapter] article, requiring the burial of a dead body, and punishing interference with or injuries to it, apply equally to the remains of the body dissected, as soon as the lawful purposes of such dissection have been accomplished.

[Penal Code § 310.]

§ 2216. Body stealing. A person, who removes the dead body of a human being, or any part thereof, from a grave, vault, or other place, where the same has been buried, or from a place where the same has been deposited while awaiting burial, without authority of law, with intent to sell the same, or for the purpose of dissection, or for the purpose of procuring a reward for the return of the same, or from malice or wantonness, is punishable by imprisonment for not more than five years or by a fine not exceeding one thousand dollars or both.

[Penal Code § 311.]

§ 2217. Receiving stolen body of a human being. A person who purchases, or receives except for the purpose of burial, the dead body of a human being, or any part thereof, knowing that the same has been removed contrary to the last section, is punishable by imprisonment for not more than three years.

[Penal Code § 312.]

§ 2218. Opening graves. A person who opens a grave or other place of interment, temporary or otherwise, or a building wherein the dead body of a human being is deposited while awaiting burial, without authority of law, with intent to remove the body, or any part thereof, for the purpose of selling it or demanding money for the same, or for the purpose of dissection, or from malice or wantonness, or with intent to steal or remove the coffin or any part thereof, or anything attached thereto, or any vestment, or other article interred, or intended to be interred with the dead body, is punishable by imprisonment for not more than two years, or by a fine of not more than two hundred and fifty dollars, or by both.

[Penal Code § 313.]

§ 2219. Arresting or attaching a dead body of a human being. A person who arrests or attaches the dead body of a human being upon any debt or demand whatever, or detains or claims to detain it for any debt or demand, or upon any pretended lien or charge, is guilty of a misdemeanor.

[Penal Code § 314.]

§ 2220. Disturbing funerals. A person who, without authority of law, obstructs or detains any persons engaged in carrying or accompanying the dead body of a human being to a place of burial, is guilty of a misdemeanor.

[Penal Code § 315.]

[REFERENCES FOR OTHER SUBJECTS:

Serving process: Prohibited on Sunday, *see* Sabbath, § 2148.

On Saturday, on persons keeping that day as holy time, *see* Sabbath, § 2150.

Side-paths, *see* Highways.

Sidewalks, *see* Highways.

Signature; definition of, *see* Construction of Terms, § 3.

Signs; illegal use of sign of "Bank," *see* Banking, § 302.

Slot machines, *see* Gambling, §§ 984, 985.]

ARTICLE 200

Societies and Orders

Section 2240. Unauthorized wearing or use of badge, name, title of officers, insignia, ritual or ceremony of certain orders and societies.

§ 2240. Unauthorized wearing or use of badge, name, title of officers, insignia, ritual or ceremony of certain orders and societies. 1. Any person who wilfully wears the badge or the button of the Grand Army of the Republic, the insignia, badge or rosette of the Military Order of the Loyal Legion of the United States, or the Military Order of Foreign Wars of the United States, or the badge or button of the Spanish war veterans, or the Order of Patrons of Husbandry, or the Benevolent and Protective Order of Elks of the United States of America, or of any society, order or organization, of ten years' standing in the state of New York, or uses the same to obtain aid or assistance within this state, or wilfully uses the name of such society, order or organization, the titles of its officers, or its insignia, ritual or ceremonies, unless entitled to use or wear the same under the constitution and by-laws, rules and regulations of such order or of such society, order or organization, is guilty of a misdemeanor.

2. Any person who shall wilfully wear the shield of the Union Veteran Legion, or who shall use or wear the same to obtain aid

or assistance thereby within this state, unless he shall be entitled to use or wear the same, under the rules and regulations of the Union Veteran Legion, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by imprisonment for a term not to exceed thirty days in the county jail, or a fine not to exceed twenty dollars, or by both such fine and imprisonment.

[Penal Code § 674a, added by L. 1893, Ch. 692, § 2, and amended by L. 1894, Ch. 505, § 1; L. 1896, Ch. 366, § 1; L. 1896, Ch. 1002, § 1; L. 1899, Ch. 184, § 1; L. 1900, Ch. 508, § 1; L. 1905, Ch. 590, § 1; new matter L. 1894, Ch. 259, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Societies and orders: Fraud in obtaining signature or property for membership, *see* Frauds and Cheats, § 935.

Fraudulent use of name, *see* Frauds and Cheats, § 936.

Sodomy, *see* Crime against Nature, § 690.

Sparring, *see* Prize-fighting and Sparring.

Stamps; forging United States or state, *see* Forgery, § 892.

Statutes; continued in force, *see* General Provisions, § 40.]

ARTICLE 202

Stealing

Section 2260. Larceny defined.

2261. *Severance of fixture from realty, larceny.*

2262. *Completed unissued instruments, property.*

2263. *Obtaining money or property by fraudulent draft.*

2264. *Grand larceny in first degree.*

2265. *Grand larceny in first degree; how punished.*

2266. *Grand larceny in second degree.*

2267. *Grand larceny in second degree; how punished.*

2268. *Petit larceny defined.*

2269. *Petit larceny a misdemeanor.*

2270. *Appropriating lost property.*

2271. *Bringing stolen goods into state, larceny.*

2272. *Conversion of property held in trust or by virtue of office, larceny; how punished.*

2273. *Value of stolen evidence of debt, how ascertained.*

2274. *Value of stolen passage ticket, how ascertained.*

2275. *Value of other stolen articles, how ascertained.*

2276. *Claim of title a ground of defense.*

Section 2277. Intent to restore property no defense.

2278. Buying or receiving stolen or wrongfully acquired property.

2279. Averment and proof of conviction of principal not necessary.

2280. Conversion of materials furnished to a person for purpose of being manufactured.

§ 2260. Larceny defined. A person who, with the intent to deprive or defraud the true owner of his property, or of the use and benefit thereof, or to appropriate the same to the use of the taker, or of any other person[; either]:

1. Takes from the possession of the true owner, or of any other person; or obtains from such possession by color or aid of fraudulent or false representation or pretense, or of any false token or writing; or secretes, withholds, or appropriates to his own use, or that of any person other than the true owner, any money, personal property, thing in action, evidence of debt or contract, or article of value of any kind; or,

2. Having in his possession, custody, or control, as a bailee, servant, attorney, agent, clerk, trustee, or officer of any person, association, or corporation, or as a public officer, or as a person authorized by agreement, or by competent authority, to hold or take such possession, custody, or control, any money, property, evidence of debt or contract, article of value of any nature, or thing in action or possession, appropriates the same to his own use, or that of any other person other than the true owner or person entitled to the benefit thereof,

Steals such property, and is guilty of larceny.

Hereafter it shall not be a defense to a prosecution for larceny, or for an attempt or for conspiracy to commit the same, or for being accessory thereto, that the purpose for which the owner was induced by color or aid of fraudulent or false representation or pretense, or of any false token or writing, to part with his property or the possession thereof was illegal, immoral or unworthy.

[Penal Code § 528, as amended by L. 1907, Ch. 581, § 1.]

§ 2261. Severance of fixture from realty, larceny.[See note 105]
All the provisions of this [chapter] article apply to cases where the thing taken is a fixture or part of the realty, or any growing tree, plant, or produce, and is severed at the time of the taking, in the same manner as if the thing had been severed by another person at a previous time.

[Penal Code § 537.]

[See note 105] **§ 2262. Completed unissued instruments, property.**

All the provisions of this [chapter] article apply to cases where the property taken is an instrument for the payment of money, an evidence of debt, a public security, or a passage ticket, completed and ready to be issued or delivered, although the same has never been issued or delivered by the maker thereof to any person as a purchaser or owner.

[Penal Code § 536.]

§ 2263. Obtaining money or property by fraudulent draft. A person who wilfully, with intent to defraud, by color or aid of a check or draft, or order for the payment of money or the delivery of property, when such person knows that the drawer or maker thereof is not entitled to draw on the drawee for the sum specified therein, or to order the payment of the amount, or delivery of the property, although no express representation is made in reference thereto, obtains from another any money or property, is guilty of stealing the same and punishable accordingly.

[Penal Code § 529.]

[See note 106] **§ 2264. Grand larceny in first degree.** A person is guilty of grand larceny in the first degree, who steals, or unlawfully obtains or appropriates, in any manner specified in this [chapter] article, and in section twenty-four hundred and eighty:

1. Property of any value, by taking the same from the person of another in the night time; or,

2. Property of the value of more than twenty-five dollars, by taking the same in the night time from any dwelling-house, vessel, or railway car; or,

3. Property of the value of more than five hundred dollars, in any manner whatever.

[Penal Code § 530.]

§ 2265. Grand larceny in first degree; how punished. Grand larceny in the first degree is punishable by imprisonment for a term not exceeding ten years.

[Penal Code § 533, as amended by L. 1892, Ch. 662, § 16.]

[See note 106] **§ 2266. Grand larceny in second degree.** A person is guilty of grand larceny in the second degree who, under circumstances not amounting to grand larceny in the first degree, in any manner specified in this [chapter] article and in section

twenty-four hundred and eighty, steals or unlawfully obtains or appropriates:

1. Property of the value of more than twenty-five dollars, but not exceeding five hundred dollars, in any manner whatever; or,

2. Property of any value, by taking the same from the person of another; or,

3. A record of a court or officer, or a writing, instrument or record kept filed or deposited according to law, with, or in keeping of any, public office or officer.

[Penal Code § 531.]

§ 2267. Grand larceny in second degree; how punished. Grand larceny in the second degree is punishable by imprisonment for a term not exceeding five years.

[Penal Code § 534, as amended by L. 1892, Ch. 662, § 17.]

§ 2268. Petit larceny defined. Every other larceny is petit larceny.

[Penal Code § 532.]

§ 2269. Petit larceny a misdemeanor. Petit larceny is a misdemeanor.

[Penal Code § 535.]

§ 2270. Appropriating lost property. A person, who finds lost property under circumstances which give him knowledge or means of inquiry as to the true owner, and who appropriates such property to his own use, or to the use of another person who is not entitled thereto, without having first made every reasonable effort to find the owner and restore the property to him, is guilty of larceny.

[Penal Code § 539.]

§ 2271. Bringing stolen goods into state, larceny. A person, who having, at any place without the state, stolen the property of another, or received such property, knowing it to have been stolen, brings the same into this state, may be convicted and punished in the same manner as if such larceny or receiving had been committed within the state. Complaint may be made and the indictment found and tried, and the offense may be charged to have been committed, in any county into or through which the stolen property is brought.

[Penal Code § 540.]

[See note 105] **§ 2272. Conversion of property held in trust or by virtue of office, larceny; how punished.** A person acting as executor, administrator, committee, guardian, receiver, collector or trustee of any description, appointed by a deed, will, or other instrument, or by an order or judgment of a court or officer, who secretes, withholds, or otherwise appropriates to his own use, or that of any person other than the true owner, or person entitled thereto, any money, goods, thing in action, security, evidence of debt or of property, or other valuable thing, or any proceeds thereof, in his possession or custody by virtue of his office, employment, or appointment, is guilty of grand or petit larceny in such degree as is herein prescribed, with reference to the amount of such property; and upon conviction, in addition to the punishment in this [chapter] article prescribed for such larceny, may be adjudged to pay a fine, not exceeding the value of the property so misappropriated or stolen, with interest thereon from the time of the misappropriation, withholding, or concealment, and twenty per centum thereupon, in addition, and to be imprisoned for not more than five years in addition to the term of his sentence for larceny, according to this [chapter] article, unless the fine is sooner paid.

So much of the fine authorized in [the last] this section to be imposed, as does not exceed the amount or value of the property taken, appropriated, or stolen, with interest thereupon from the time of the commission of the offense, and a reasonable sum to defray the expense of collecting the same, to be fixed by the supreme court, must, when received or collected, be paid to the county treasurer of the county where the conviction was had, for the benefit of the person injured or defrauded, or whose property the offender took, misappropriated, or concealed, or his representative or assignee; and must be paid over to him by the county treasurer, upon the order of the supreme court, made after notice to the district attorney of the county.

In case of the payment of the value of the property stolen or taken, with interest, by the person convicted, or of the collection of the same by civil action, the court may, in its discretion, upon the application by such person, and such notice to other persons interested, and to the district attorney of the county, as the court may direct, remit the fine imposed, pursuant to the [last] this section, except the additional allowance for expenses.

[Penal Code §§ 541, 542, 543.]

§ 2273. Value of stolen evidence of debt, how ascertained. If the thing stolen consists of a written instrument,

being an evidence of debt, other than a public or corporate certificate, scrip, bond, or security having a market value, or being the transfer of or evidence of title to any property, or of the creating, releasing, or discharging, of any demand, right, or obligation, the amount of money due thereupon or secured to be paid thereby, and remaining unsatisfied, or which, in any contingency, might be collected thereupon or thereby, or the value of the property transferred or affected, or the title to which is shown thereby, or the sum which might be recovered for the want thereof, as the case may be, is deemed the value of the thing stolen.

[Penal Code § 545.]

§ 2274. Value of stolen passage ticket, how ascertained. If the thing stolen is a ticket, paper or other writing, entitling or purporting to entitle the holder or proprietor thereof to a passage upon a railway car, vessel, or other public conveyance, the price at which a ticket, entitling a person to a like passage, is usually sold, is deemed the value thereof.

[Penal Code § 546.]

§ 2275. Value of other stolen articles, how ascertained. In every case not otherwise regulated by statute, the market value of the thing stolen is deemed its value.

[Penal Code § 547.]

§ 2276. Claim of title a ground of defense. Upon an indictment for larceny it is a sufficient defense that the property was appropriated openly and avowedly, under a claim of title preferred in good faith, even though such claim is untenable. But this section shall not excuse the retention of the property of another, to offset or pay demands held against him.

[Penal Code § 548.]

§ 2277. Intent to restore property no defense. The fact that the defendant intended to restore the property stolen or embezzled, is no ground of defense, or of mitigation of punishment, if it has not been restored before complaint to a magistrate, charging the commission of the crime.

[Penal Code § 549.]

§ 2278. Buying or receiving stolen or wrongfully acquired property. A person, who buys or receives any stolen property, or any property which has been wrongfully appropriated in such a manner as to constitute larceny according to this [See note 105]

[chapter] article, knowing the same to have been stolen or so dealt with, or who corruptly, for any money, property, reward, or promise or agreement for the same, conceals, withholds, or aids in concealing or withholding any property, knowing the same to have been stolen, or appropriated wrongfully in such a manner as to constitute larceny under the provisions of this **[chapter]** article, if such misappropriation has been committed within the state, whether such property were so stolen or misappropriated within or without the state, or who being a dealer in or collector of junk, metals or second hand materials, or the agent, employee or representative of such dealer or collector, buys or receives any wire, cable, copper, lead, solder, iron or brass used by or belonging to a railroad, telephone, telegraph, gas or electric light company without ascertaining by diligent inquiry, that the person selling or delivering the same has a legal right to do so, is guilty of criminally receiving such property, and is punishable, by imprisonment in a state prison for not more than five years, or in a county jail for not more than six months, or by a fine of not more than two hundred and fifty dollars, or by both such fine and imprisonment.

[Penal Code § 550, as amended by L. 1903, Ch. 326, § 1.]

§ 2279. Averment and proof of conviction of principal not necessary. It is not necessary to aver, in an indictment for an offense specified in the last section, nor to prove upon the trial thereof, that the principal who stole the property has been convicted, or is amenable to justice.

[Penal Code § 551.]

§ 2280. Conversion of materials furnished to a person for purpose of being manufactured. Any person who shall wilfully pawn, pledge, sell or convert to his or her own use any material furnished to him or her for the purpose of being manufactured, if the same be of the value of more than twenty-five dollars, shall, upon conviction thereof, be adjudged guilty of grand larceny, and imprisoned in a state prison for a term not exceeding five years, but if the same be of the value of twenty-five dollars or under, he or she shall, upon conviction, be adjudged guilty of petit larceny, and be punished by imprisonment in a county jail not exceeding six months, or by fine not exceeding one hundred dollars, or by both such fine and imprisonment.

Nothing in this [act] section contained shall be deemed or held

to discharge any mechanic's lien, or right of lien in favor of any employee as now recognized by law.

[L. 1881, Ch. 419, §§ 1, 2.]

[REFERENCES FOR OTHER SUBJECTS:

Steam boilers: Mismanagement, *see* Public Safety, § 1893.

Unauthorized pressure of steam, *see* Public Safety, §§ 1891, 1892.

Stenographers; disclosing evidence before grand jury, *see* Public Justice, § 1784.

Stock corporations, *see* Corporations.

Streets, *see* Highways.

Subornation of perjury, *see* Perjury, § 1632.]

ARTICLE 204

Suicide

Section 2300. Suicide defined.

2301. *Attempting suicide.*

2302. *Punishment for attempting suicide.*

2303. *Abetting and advising suicide.*

2304. *Abetting and advising an attempt at suicide.*

2305. *Incapacity of person aided, no defense.*

§ 2300. Suicide defined. Suicide is the intentional taking of one's own life.

[Penal Code § 172.]

[§ 173. Although suicide is deemed a grave public wrong, [See note 107] yet from the impossibility of reaching the successful perpetrator, no forfeiture is imposed.]

§ 2301. Attempting suicide. A person who, with intent to take his own life, commits upon himself any act dangerous to human life, or which, if committed upon or towards another person and followed by death as a consequence, would render the perpetrator chargeable with homicide, is guilty of attempting suicide.

[Penal Code § 174.]

§ 2302. Punishment for attempting suicide. Every person guilty of attempting suicide is guilty of felony, punish-

able by imprisonment in a state prison not exceeding two years, or by a fine not exceeding one thousand dollars, or both.

[Penal Code § 178.]

§ 2303. Abetting and advising suicide. A person who wilfully, in any manner, advises, encourages, abets, or assists another person in taking the latter's life, is guilty of manslaughter in the first degree.

[Penal Code § 175.]

§ 2304. Abetting and advising an attempt at suicide. A person who wilfully, in any manner, encourages, advises, assists or abets another person in attempting to take the latter's life, is guilty of a felony.

[Penal Code § 176.]

§ 2305. Incapacity of person aided, no defense. It is not a defense to a prosecution under either of the last two sections, that the person who took, or attempted to take, his own life, was not a person deemed capable of committing crime.

[Penal Code § 177.]

[REFERENCES FOR OTHER SUBJECTS:

Sunday, *see* Sabbath.

Suspending sentence, *see* Sentence, § 2188.

Tainted food, *see* Public Health, § 1750.

Tattooing, *see* Hazing.]

ARTICLE 206

Taxes

Section 2320. Appraiser under taxable transfers law taking fee or reward.

2321. Making false statement in reference to taxes.

§ 2320. Appraiser under taxable transfers law taking fee or reward. An appraiser appointed by virtue of the taxable transfers law, who takes any fee or reward from an executor, administrator, trustee, legatee, next of kin, or heir of any decedent, or from any other person liable to pay such tax, or any portion thereof, is guilty of a misdemeanor.

[Penal Code § 48c, added by L. 1893, Ch. 692, § 2.]

§ 2321. Making false statement in reference to taxes. A person, who, in making any statement, oral or written, which is required or authorized by law to be made as the basis of imposing any tax or assessment, or of an application to reduce any tax or assessment, wilfully makes, as to any material matter, any statement which he knows to be false, is guilty of a misdemeanor.

[Penal Code § 485.]

[REFERENCES FOR OTHER SUBJECTS:

Taxes: Comptroller not to be interested in sales, *see* Public Offices and Officers, § 1827.

Obstructing collecting officer, *see* Public Offices and Officers, § 1870.

Telegraph: Messages, *see* Communications.

Operators; certain persons not to be employed, *see* Railroads, § 1982.

Telegraphs and telephones; injury to, *see* Malicious Mischief, § 1423.

Telephone messages, *see* Communications.

Terms; construction of in construing penal law, *see* Construction of Terms, § 3.

Testimony: *see also* Abduction, § 71; Adultery, § 103; Evidence.

Theaters: Excluding persons, *see* Civil Rights, §§ 514, 515.

Performance on Sunday, *see* Sabbath, § 2152.

Threats: *See* Extortion and Threats.

Rule as to excusing persons committing crime under threat, *see* Extortion and Threats, § 859.

Threatening letters, *see* Communications, § 551.

Timber; injury to, *see* Malicious Mischief, § 1425.

Tobacco; use by children, *see* Children, § 486.

Town Clerk; omitting to make return of constables qualified, *see* Public Offices and Officers, § 1859.]

ARTICLE 208

Trade-Marks

Section 2350. Trade-mark defined.

2351. Affixing defined.

2352. Article of merchandise defined.

Section 2353. Imitation of a trade-mark defined.

2354. *Offenses against trade-marks.*

2355. *Refilling or selling trade-mark bottles and vessels.*

2356. *Keeping trade-mark bottles and vessels with intent to refill or sell them.*

2357. *Search for trade-mark bottles and vessels kept in violation of law authorized.*

§ 2350. Trade-mark defined. A "trade-mark" is a mark used to indicate the maker, owner or seller of an article of merchandise, and includes, among other things, any name of a person, or corporation, or any letter, word, device, emblem, figure, seal, stamp, diagram, brand, wrapper, ticket, stopper, label or other mark, lawfully adopted by him, and usually affixed to an article of merchandise to denote that the same was imported, manufactured, produced, sold, compounded, bottled, packed or otherwise prepared by him; and also a signature or mark, used or commonly placed by a painter, sculptor or other artist, upon a painting, drawing, engraving, statue or other work of art, to indicate that the same was designed or executed by him.

[Penal Code § 366, as amended by L. 1882, Ch. 384, § 1.]

§ 2351. Affixing defined. A trade-mark is deemed to be affixed to an article of merchandise, when it is placed in any manner in or upon **[either]**:

1. The article itself; or,

2. A box, bale, barrel, bottle, case, cask, platter, or other vessel or package, or a cover, wrapper, stopper, brand, label or other thing, in, by or with which the goods are packed, inclosed, or otherwise prepared for sale or disposition.

[Penal Code § 367, as amended by L. 1882, Ch. 384, § 1; L. 1904, Ch. 494, § 1.]

[See note 24] **§ 2352. Article of merchandise defined.** The expression "article of merchandise," as used in **[this title]** sections twenty-three hundred and fifty and twenty-three hundred and fifty-one, signifies any goods, wares, work of art, commodity, compound, mixture or other preparation or thing, which may be lawfully kept or offered for sale.

[Penal Code § 365, as amended by L. 1882, Ch. 384, § 1.]

§ 2353. Imitation of a trade-mark defined. An "imitation of a trade-mark" is that which so far resembles a genuine trade-mark as to be likely to induce the belief that it is

genuine, whether by the use of words or letters, similar in appearance or in sound, or by any sign, device or other means whatsoever.

[Penal Code § 368, as amended by L. 1882, Ch. 384, § 1.]

§ 2354. Offenses against trade-marks. A person who, knowingly, in a case where provision for the punishment for the offense is not otherwise specially made by statute:

1. Falsely makes or counterfeits a trade-mark; or,

2. Affixes to any article of merchandise, a false or counterfeit trade-mark, knowing the same to be false or counterfeit, or the genuine trade-mark, or an imitation of the trade-mark of another, without the latter's consent; or,

3. Sells, or keeps or offers for sale, an article of merchandise to which is affixed a false or counterfeit trade-mark, or the genuine trade-mark, or an imitation of the trade-mark of another, without the latter's consent; or,

4. Has in his possession a counterfeit trade-mark, knowing it to be counterfeit, or a die, plate, brand or other thing for the purpose of falsely making or counterfeiting a trade-mark; or,

5. Makes or sells, or offers to sell or dispose of, or has in his possession with intent to sell or dispose of, an article of merchandise with such a trade-mark as to appear to indicate the quantity, quality, character, place of manufacture or production, or persons manufacturing or producing the article, but not indicating it truly; or,

6. [Who] Knowingly sells, offers or exposes for sale, any goods which are represented in any manner, by word or deed, to be the manufacture or product of any person, firm or corporation, other than himself, unless such goods are contained in the original packages and under the labels, marks or names placed thereon by the manufacturer who is entitled to use such marks, names, brands or trade-marks; or,

7. [Who] Shall sell or shall expose for sale any goods in bulk, to which no label or trade-mark shall be attached, and shall by representation, name or mark written or printed thereon, represent that such goods are the production or manufacture of a person who is not the manufacturer,

Is guilty of a misdemeanor.

[Penal Code § 364, as amended by L. 1882, Ch. 384, § 1; L. 1889, Ch. 45, § 1.]

§ 2355. Refilling or selling trade-mark bottles and vessels. [See note 108] Any person engaged in making, bottling, packing, selling or disposing of milk, ale, beer, cider, mineral water or

other beverage, or in making, selling or disposing of articles of pastry, may register his title as owner of a trade-mark by filing with the secretary of state and the clerk of the county where the principal place of business of such person is situated, a description of the marks and devices used by him in his business, and in case the same has not been heretofore published according to the laws existing at the time of publication, causing the same to be published in a newspaper of the county, three weeks daily, if in the city of New York or Brooklyn, and weekly if in any other part of the state; but no trade-mark shall be filed which is not and can not become a lawful trade-mark, or which is merely the name of a person, firm or corporation unaccompanied by a mark sufficient to distinguish it from the same name when used by another person. After such registration, the use without the consent of the owner of the trade-mark so described, or the filling of any bottle, siphon, barrel, platter, vessel, or thing for the purpose of sale, or for the sale, therein, of any article of the same general nature and quality which said bottle, siphon, barrel, platter, vessel or other thing before contained, without the obliteration or defacement of the trade-mark upon it, when such trade-mark can be obliterated or defaced without substantial injury to the bottle, siphon, barrel, platter, vessel or other thing so as to prevent its wrongful use, shall be deemed a misdemeanor.

[Penal Code § 369, as amended by L. 1882, Ch. 384, § 1; L. 1885, Ch. 513, § 1; L. 1904, Ch. 494, § 1.]

[See note 108] **§ 2356. Keeping trade-mark bottles and vessels with intent to refill or sell them.** Any person engaged in the business of buying and selling bottles, siphons, barrels, platters, or other vessels or things, who shall with intent to defraud the registered owner of the trade-mark, knowingly sell or offer for sale any bottle, siphon, barrel, platter, vessel, or other thing, to any person, who he has reason to believe wrongfully intends to use the trade-mark upon it, or to fill such bottle, siphon, barrel, platter, vessel or other thing in violation of section [three hundred and sixty-nine,] twenty-three hundred and fifty-five, shall be deemed guilty of a misdemeanor.

[Penal Code § 370, as amended by L. 1882, Ch. 384, § 1; L. 1904, Ch. 494, § 1.]

[See note 108] **§ 2357. Search for trade-mark bottles and vessels kept in violation of law authorized.** Whenever a registered owner of a trade-mark, or his agent, makes oath before

a magistrate that he has reason to believe and does believe, stating the grounds of his belief, that a bottle, siphon, barrel, platter, vessel or other thing to which is affixed a trade-mark belonging to him is being used or filled, or has been sold or offered for sale, by any person whomsoever, in violation of the preceding section; then the magistrate may issue a search warrant to discover the thing and cause the person having it in possession to be brought before him and may thereupon inquire into the circumstances, and if on examination, he finds that such person has been guilty of the offense charged, he may hold the offender to bail to await the action of the grand jury, and the offender shall also be liable to an action on the case for damages, for such wrongful use of such trade-mark at the suit of the owner thereof, and the party aggrieved, shall also have his remedy according to the course of equity to enjoin the wrongful use of his trade-mark, and to recover compensation therefor, in any court having jurisdiction over the person guilty of such wrongful use.

[Penal Code § 371, as amended by L. 1882, Ch. 384, § 1; L. 1904, Ch. 494, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Trades; working at on Sunday prohibited, *see* Sabbath, § 2146.]

ARTICLE 210

Trading Stamps

Section 2370. Issue of trading stamps and similar devices.

2371. Issue and redemption of trading stamps and similar devices.

§ 2370. Issue of trading stamps and similar de- (See note 109)
VICES. A person who shall:

1. Issue trading stamps or other devices to any person engaged in any trade, business or profession, with the promise, express or implied, that he will give to the person presenting to him such stamps or other devices, money or anything of value, without receiving from such person the value thereof, or make to any such person any concession or preference in any way, on account of the presentation of such trading stamps or other devices; or,

2. Being engaged in any trade, business or profession, shall distribute or present to any person dealing with him, any such trading stamp or other device, in consideration of any article or thing purchased of, or any services performed by him, ¹⁸¹

Shall be guilty of a misdemeanor.

3. It shall not be unlawful for any merchant or manufacturer to place his own tickets, coupons or other vouchers in or upon packages of goods sold or manufactured by him. Such tickets, coupons or other vouchers to be redeemed by such merchant or manufacturer either in money or merchandise, whether such packages are sold directly to the consumer or through retail merchants. Nor shall it be unlawful for any person to issue with such packages, tickets, coupons or other voucher so issued by such merchant or manufacturer.

[Penal Code § 384p, added by L. 1900, Ch. 768, § 1.]

§ 2371. Issue and redemption of trading stamps and similar devices. [1.]

No person shall sell or issue any stamp, trading stamp, cash discount stamp, check, ticket, coupon, or other similar device, which will entitle the holder thereof, on presentation thereof either singly or in definite number to receive either directly from the vendor or indirectly through any other person, money or goods, wares or merchandise, unless each of said stamps, trading stamps, cash discount stamps, checks, tickets, coupons or other similar devices shall have legibly printed or written upon the face thereof the redeemable value thereof in lawful money of the United States.

[2.] Any person who shall sell or issue to any person engaged in any trade, business or profession, any stamp, trading stamp, cash discount stamp, check, ticket, coupon, or other similar device, which will entitle the holder thereof, on presentation thereof either singly or in definite number to receive either directly from the vendor or indirectly through any other person, money or goods, wares or merchandise shall, upon presentation redeem the same either in goods, wares, or merchandise or in lawful money of the United States, at the option of the holder thereof, at the value in lawful money printed on the face thereof, provided the same be presented for redemption in number or quantity aggregating in money value not less than five cents in each lot.

[3.] Any person engaged in any trade, business, or profession who shall distribute, deliver or present to any person dealing with him, in consideration of any article or thing purchased, any stamp, trading stamp, cash discount stamp, check, ticket, coupon or other similar device which will entitle the holder thereof on presenta-

tion thereof either singly or in definite number, to receive either directly from the person issuing or selling same as set forth in the second paragraph hereof, or indirectly through any other person, shall, upon the refusal or failure of the said person issuing or selling same to redeem the same as set forth in the second paragraph hereof, be liable to the holder thereof for the face value thereof and shall upon presentation of the same in lots or number aggregating in money value not less than five cents in each lot, redeem the same either in goods, wares or merchandise, or in lawful money of the United States, at the option of the holder thereof, at the value in lawful money printed upon the face thereof.

[4.] Any person, firm or corporation who shall violate any of the provisions of this [act] section, shall be deemed guilty of a misdemeanor.

[5.] This [act] section shall not apply to tickets, coupons or other vouchers placed by any merchant or manufacturer in or upon packages or goods sold or manufactured by him if such tickets, coupons or other vouchers are issued by such merchant or manufacturer in his own name, to be redeemed by him.

[Penal Code § 384q, added by L. 1904, Ch. 657, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Transportation of animals, *see* Animals, § 193.]

ARTICLE 212

Treason

Section 2380. Treason against the state defined.

2381. *Levying war defined.*

2382. *Treason, how punished.*

2383. *Resistance to a statute when levying war.*

§ 2380. Treason against the state defined. Treason against the people of the state consists in:

1. Levying war against the people of the state, within this state; or,

2. A combination of two or more persons by force to usurp the government of the state, or to overturn the same, shown by a forcible attempt, made within the state, to accomplish that purpose; or,

3. Adhering to the enemies of the state, while separately engaged in war with a foreign enemy, in a case prescribed in the constitution of the United States, or giving to such enemies aid and comfort within the state or elsewhere.

[Penal Code § 37.]

§ 2381. Levying war defined. To constitute levying war against the people of this state, an actual act of war must be committed. To conspire to levy war is not enough.

[Penal Code § 39.]

§ 2382. Treason, how punished. Treason is punishable by death.

[Penal Code § 38.]

§ 2383. Resistance to a statute when levying war. Where persons rise in insurrection with intent to prevent in general by force and intimidation, the execution of a statute of this state, or to force its repeal, they are guilty of levying war. But an endeavor, although by numbers and force of arms, to resist the execution of a law in a single instance, and for a private purpose, is not levying war.

[Penal Code § 40.]

[REFERENCES FOR OTHER SUBJECTS:

Trees; injury to, *see* Malicious Mischief, § 1425.

Trespass: On ice, *see* Ice, § 1100.

On Indian lands, *see* Indians.

United States coast survey; injury to property, *see* Malicious Mischief, § 1435.

Unlawful assemblies, *see* Riots, § 2092.

Usurper in office, *see* Public Offices and Officers, § 1874.]

ARTICLE 214

Usury

Section 2400. Taking security upon certain property for usurious loans.

§ 2400. Taking security upon certain property for usurious loans. A person who takes security, upon any household furniture, sewing machines, plate or silverware in actual

use, tools or implements of trade, wearing apparel or jewelry, for a loan or forbearance of money, or for the use or sale of his personal credit, conditioned upon the payment of a greater rate than six per centum per annum or, who as security for such loan, use or sale of personal credit as aforesaid, makes a pretended purchase of such property from any person, upon the like condition, and permits the pledger to retain the possession thereof is guilty of a misdemeanor.

[Penal Code § 378, as amended by L. 1895, Ch. 72, § 1; L. 1904, Ch. 661, § 1.]

[REFERENCES FOR OTHER SUBJECTS:

Vessel: Definition of, *see* Construction of Terms, § 3.

Fitting out with intent to wreck, *see* Navigation, § 1507.

Wilful destruction, *see* Navigation, § 1506.

See also Wrecks.

Veterinary physician; misconduct of, *see* Public Health, § 1762.

Wages; payment of, *see* Labor, § 1272.

Wagers, *see* Gambling.

Waters; depositing refuse in, *see* Public Health, § 1759.

Water service; interfering with and injury to, *see* Malicious Mischief, § 1432.

Water ways; injury to, *see* Malicious Mischief, § 1423.

Weapons: Carrying and use of, *see* Public Safety, § 1897.

Destruction of, *see* Public Safety, § 1899.

Making and disposing of, *see* Public Safety, § 1896.]

ARTICLE 216

Weights and Measures

Section 2410. Requiring more than the legal weight for a bushel.

2411. Using false weights and measures.

2412. Keeping false weights and measures.

2413. False weights and measures authorized to be seized.

2414. Weights and measures may be tested by committing magistrate and destroyed or delivered to district attorney.

2415. False weights and measures to be destroyed after conviction of offender.

2416. Stamping false weight or tare on casks or packages.

2417. Regulations for sale of baled hay and straw.

[See note 110] **§ 2410. Requiring more than the legal weight for a bushel.** Where potatoes, grains or other agricultural products are sold by the bushel, without agreement as to the weight, any person requiring a greater number of pounds for a bushel than as prescribed by section eight of the [domestic commerce] general business law is guilty of a misdemeanor.

[Penal Code § 447d, added by L. 1899, Ch. 515, § 1.]

§ 2411. Using false weights and measures. A person who injures or defrauds another by using, with knowledge that the same is false, a false weight, measure, or other apparatus, for determining the quantity of any commodity, or article of merchandise, or by knowingly delivering less than the quantity he represents, is guilty of a misdemeanor.

[Penal Code § 580.]

§ 2412. Keeping false weights and measures. A person who retains in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it, or permit it to be used in violation of the last section, is guilty of a misdemeanor.

[Penal Code § 581.]

§ 2413. False weights and measures authorized to be seized. A person who is authorized or enjoined by law to arrest another person for a violation of the last two sections, is equally authorized and enjoined to seize any false weights or measures found in the possession of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested is required to be taken.

[Penal Code § 582.]

§ 2414. Weights and measures may be tested by committing magistrate and destroyed or delivered to district attorney. The magistrate to whom any weight or measure is delivered pursuant to the last section, must, upon the examination of the defendant, or if the examination is delayed or prevented, without awaiting such examination, cause the same to be tested by comparison with standards conformable to law; and if he finds it to be false, he must cause it to be destroyed, or to be delivered to the district attorney of the county in which the defendant is liable to indictment or trial, as the interests of justice in his judgment require.

[Penal Code § 583.]

§ 2415. False weights and measures to be destroyed after conviction of offender. Upon the conviction of the defendant, the district attorney must cause any weight or measure in respect whereof the defendant stands convicted, and which remains in the possession or under the control of the district attorney, to be destroyed.

[Penal Code § 584.]

§ 2416. Stamping false weight or tare on casks or packages. A person who knowingly marks or stamps false or short weights, or false tare on any cask or package, or knowingly sells or offers for sale any cask or package so marked, is guilty of a misdemeanor.

[Penal Code § 585.]

§ 2417. Regulations for sale of baled hay and straw. A person who:

1. Sells or offers for sale baled hay or straw containing more than twenty pounds of wood to the bale, the weight of which is two hundred pounds or upward, or more than ten pounds of wood to the bale the weight of which is less than two hundred pounds; or,

2. Sells or offers for sale any bale of hay or straw upon which the correct gross weight is not plainly marked or which weighs more than five pounds less than the gross weight so marked thereupon,

Is guilty of a misdemeanor.

[Penal Code § 585a, added by L. 1893, Ch. 692, § 2.]

ARTICLE 218

Witness

Section 2440. Bribing witness.

2441. *Preventing or dissuading witness from attending.*

2442. *Deceiving a witness.*

2443. *Restriction of witness' privilege.*

2444. *Convicted person a competent witness.*

2445. *Husband or wife as witness.*

§ 2440. Bribing witness. A person who gives or offers or promises to give, to any witness or person about to be called as a witness, any bribe, upon any understanding or agreement that the testimony of such witness shall be thereby influenced, or who

attempts by any other means fraudulently to induce any witness to give false testimony or to withhold true testimony, is guilty of a felony.

[Penal Code § 113.]

§ 2441. Preventing or dissuading witness from attending. A person who wilfully prevents or dissuades any person who has been duly summoned or subpœnaed as a witness from attending, pursuant to the summons or subpœna, is guilty of a misdemeanor.

[Penal Code § 111.]

§ 2442. Deceiving a witness. A person who practices any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token or writing, to any witness or person about to be called as a witness, upon any trial, proceeding, inquiry or investigation whatever, conducted by authority of law, with intent to affect the testimony of such witness, is guilty of a misdemeanor.

[Penal Code § 108.]

§ 2443. Restriction of witness' privilege. No person shall be excused from testifying, in any civil action or legal proceeding, to any facts showing that a thing in action has been bought, sold or received contrary to law, upon the ground that his testimony might tend to convict him of a crime. But no evidence derived from the examination of such person shall be received against him upon a criminal prosecution.

[Penal Code § 142.]

§ 2444. Convicted person a competent witness. A person heretofore convicted of any crime is, notwithstanding, a competent witness, in any cause or proceeding, civil or criminal, but the conviction may be proved for the purpose of affecting the weight of his testimony, either by the record, or by his cross-examination, upon which he must answer any proper question relevant to that inquiry; and the party cross-examining is not concluded by the answer to such question.

[Penal Code § 714.]

§ 2445. Husband or wife as witness. The husband or wife of a person indicted or accused of a crime is in all cases a competent witness, on the examination or trial of such person; but neither husband nor wife can be compelled to disclose a con-

fidential communication, made by one to the other during their marriage.

[Penal Code § 715.]

[REFERENCES FOR OTHER SUBJECTS:

Witness: Before legislature, *see* Legislature, §§ 1299, 1300.

See also Bribery and Corruption, §§ 387, 389.

See also Dueling, § 737.

See also Elective Franchise, § 770.

See also Gambling, § 996.

Insurance matters, *see* Insurance, § 1200.

See also Perjury.

See also Riots, § 2097.]

ARTICLE 220

Women

Section 2460. Compulsory prostitution of women.

2461. Seduction under promise of marriage.

§ 2460. Compulsory prostitution of women.

1. Any person who shall place any female in the charge or custody of any other person for immoral purposes or in a house of prostitution with intent that she shall live a life of prostitution; or any person who shall compel any female to reside with him or with any other person for immoral purposes, or for the purposes of prostitution or shall compel any such female to reside in a house of prostitution or compel her to live a life of prostitution is punishable by a fine of not less than one thousand dollars nor more than five thousand dollars, or by imprisonment for not less than one year nor more than three years or by both such fine and such imprisonment.

2. Any person who shall receive any money or other valuable thing for or on account of placing in a house of prostitution or elsewhere any female for the purpose of causing her to cohabit with any male person or persons to whom she is not married shall be guilty of a misdemeanor.

3. Any person who shall pay any money or other valuable thing to procure any female for the purpose of placing her for immoral purposes in any house of prostitution or elsewhere against her will, shall be fined not less than one thousand dollars nor more than five thousand dollars, and **[by imprisonment]** be imprisoned for a period not less than one year, nor more than three years.

4. Every person who shall knowingly receive any money or other valuable thing for or on account of procuring and placing in the custody of another person for immoral purposes any woman, with or without her consent, is punishable by imprisonment not exceeding five years and a fine not exceeding one thousand dollars.

5. No conviction shall be had under this [act] section upon the testimony of the female unless supported by other evidence.

[Penal Code § 282a, added by L. 1906, Ch. 413, § 1.]

§ 2461. Seduction under promise of marriage. A person who, under promise of marriage, seduces and has sexual intercourse with an unmarried female of previous chaste character, is punishable by imprisonment for not more than five years, or by a fine of not more than one thousand dollars, or by both.

The subsequent intermarriage of the parties, or the lapse of two years after the commission of the offense before the finding of an indictment, is a bar to a prosecution for a violation of [the last] this section.

[Penal Code §§ 284, 285.]

[REFERENCES FOR OTHER SUBJECTS:

Women: Abduction of, *see* Abduction, § 70.

Compelling to marry, *see* Coercion, § 532.

See also Rape.

Seats for female employees, *see* Labor, § 1273.

Sentence of female convicts to imprisonment, *see* Sentence, § 2187.]

ARTICLE 222

Wrecks

Section 2480. Keeping wrecked goods a misdemeanor.

2481. Defacing marks upon wrecked property.

2482. Officer unlawfully detaining wrecked property.

§ 2480. Keeping wrecked goods a misdemeanor.

A person, who takes away goods or other property not his own from a stranded vessel, or any goods or other property cast by the sea upon the land or found in a bay or creek, or who knowingly becomes possessed of any such goods or other property, and does not deliver the same, within forty-eight hours thereafter,

to the sheriff or one of the coroners or wreck masters of the county where the same was found, is guilty of a misdemeanor.

[Penal Code § 538.]

§ 2481. Defacing marks upon wrecked property.

A person who defaces or obliterates the marks upon wrecked property, or in any manner disguises the appearance thereof, with intent to prevent the owner from discovering its identity, or who destroys or suppresses any invoice, bill of lading or other document tending to show the ownership thereof, is guilty of a misdemeanor.

[Penal Code § 372.]

§ 2482. Officer unlawfully detaining wrecked property. An officer, whose duties pertain in any way to wrecked property, who, without authority of law, detains such property or the proceeds thereof, after the salvage and expenses chargeable thereon have been paid or offered to him, or who is guilty of any fraud, embezzlement or extortion in the discharge of such duties, is guilty of a misdemeanor.

[Penal Code § 374.]

[REFERENCES FOR OTHER SUBJECTS:

writing; definition of, *see* Construction of Terms, § 3.]

ARTICLE 224

Repeal of Provisions of Penal Law Must be Explicit; Laws Repealed; Time of Taking Effect

Section 2500. Repeal of provisions of penal law must be explicit.

2501. Laws repealed.

2502. Time of taking effect.

§ 2500. Repeal of provisions of penal law must be explicit. No provision of this [code,] chapter, or any part thereof, shall be deemed repealed, altered or amended by the passage of any subsequent statute inconsistent therewith, unless such statute shall explicitly refer thereto and directly repeal, alter or amend this [code] chapter accordingly.

[Penal Code § 728, added by L. 1886, Ch. 31, § 8.]

§ **2501. Laws repealed.** All acts and parts of acts which are inconsistent with the provisions of this **[act]** chapter are repealed, so far as they impose any punishment for crime, except as herein provided.

Of the laws enumerated in the schedule hereto annexed, that portion specified in the first column marked "section " is hereby repealed.

[First paragraph, Penal Code § 726.]

§ **2502. Time of taking effect.** This act shall take effect **[on the first day of December, eighteen hundred and eighty-two.** When construed in connection with other statutes, it must be deemed to have been enacted on the fourth day of January, eighteen hundred and eighty-one, so that any statute enacted after that day is to have the same effect as if it had been enacted after this code.] immediately.

[Penal Code § 727, as amended by L. 1882, Ch. 102, § 1.]

SCHEDULE OF LAWS REPEALED

Statutes Hereby Repealed				Previous Repeals				See note	
Revised Statutes				Section	Repealing Statutes				
Pt.	Ch.	Tit.	Art.		L.	Ch.	§		
1	6	7	..	1, 2.....	1, 2.....	1840	130	Tit. 8, § 8	
1	20	2	..	4.....	4.....	1886	593	1 ¶ 1	
1	20	8	2	All.....	4.....	1886	593	1 ¶ 1	[200]
1	20	8	3	All.....	11-13, 18, 19.....	1886	593	1 ¶ 1	[201]
1	20	8	4	All.....	22, 23, 26-31, 34-37.....	1886	593	1 ¶ 1	[202]
1	20	8	5	All.....	55, 60.....	1886	593	1 ¶ 1	[203]
1	20	8	6	All.....	All.....	1896	548	1	
1	20	8	7	64, 65, 68....	64.....	1886	593	1 ¶ 1	
					65, 68.....	1896	548	1	
1	20	8	8	69-71.....	69-71.....	1886	593	1 ¶ 1	
4	1	1	.	1, 2, 4-10....	1.....	1860	410	7	[204]
					1, 2, 4-10.....	1886	593	1 ¶ 4	
					4, 5.....	1862	197	5, 6	[204]
4	1	2	.	All.....	9.....	1830	320	58	[204]
					9.....	1845	260	6	
					27.....	1880	449	1	[204]
					All.....	1886	593	1 ¶ 4	
4	1	3	..	All.....	7.....	1869	873	1	[204]
					9.....	1862	197	8	[204]
					17.....	1863	244	1	[204]
					59.....	1874	207	1	[204]
					62.....	1865	729	1	[204]
					All.....	1886	593	1 ¶ 4	
4	1	4	..	All.....	5.....	1867	782	15	[204]
					9, 10.....	1853	539	1	[204]
					13-15.....	1837	457	1-3	[204]

Statutes Hereby Repealed				Previous Repeals				See note
Revised Statutes				Section	Repealing Statutes			
Pt.	Ch.	Tit.	Art.		L.	Ch.	§	
				All.....	1886	593	1 ¶ 4	
4	1	5	.. All.....	13.....	1879	24	1	[204]
				All.....	1886	593	1 ¶ 4	
4	1	6	.. All.....	1-33, 35-40.....	1886	593	1 ¶ 4	
				2.....	1878	288	1	[204]
				19.....	1839	389	11	
				19.....	1842	130	Tit. 7, § 10	
				21.....	1845	260	6	
				26.....	1866	682	1	[204]
				27.....	1867	871	1	[204]
				34, 41.....	1896	548	1	
				35, 36.....	1863	51	1	[204]
4	1	7	.. All.....	1-17, 19-36.....	1886	593	1 ¶ 4	
				3, subd. 1.....	1875	24	1	[204]
				17.....	1840	100	1	[204]
				18.....	1896	548	1	
4	2	4	2 39 40, 43, 49.	39, 40, 43, 49.....	1886	593	1 ¶ 4	
4	2	5	.. 18.....	18.....	1886	593	1 ¶ 4	

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1778	19	1.....	1.....	1788	73	2	
1778	27	All.....	All.....	1788	41	1	
1779	25	All (2d Sess.)...	.....	....	....	....	[204a]
1779	19	All (3d Sess.)...	.....	....	....	....	[205]

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1780	48	All.....	.....	.....	.....	.....	[206]
1780	56	6 .....	.....	.....	.....	.....	[207]
1780	64	7.....	.....	.....	.....	.....	[208]
1780	77	All.....	All.....	1784	27	1	
1781	48	1.....	1.....	1789	45	2	
1781	14	All (5th Sess.)...	All.....	1788	41	1	
1783	12	1, pt., from be- ginning to first semicolon; 2-8	1, pt., from beginning to first semicolon; 2-8....	1819	206	42	
1783	22	6.....	.....	.....	.....	.....	[209]
1783	51	All.....	.....	.....	.....	.....	[210]
1784	27	All.....	.....	.....	.....	.....	[211]
1784	66	1.....	1.....	1788	73	2	
1785	81	All.....	All.....	1828	21*	1 ¶ 3	
1785	88	All.....	All.....	1788	20	5	
1786	41	23.....	23.....	1801	193		
1787	13	All.....	All.....	1828	21*	1 ¶ 11	
1787	15	20-23.....	20-23.....	1801	193		
1787	21	All.....	.....	.....	.....	.....	[212]
1787	22	All.....	All.....	1828	21*	1 ¶ 12	
1787	23	All.....	All.....	1801	193		
1787	26	6.....	.....	.....	.....	.....	[213]
1787	28	2 pt. providing punishment for taking goods from a wreck	2 pt. providing punish- ment for taking goods from a wreck.....	1828	21*	1 ¶ 13	
1787	29	1-4, 6.....	1-4, 6.....	1801	193		

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Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1787	65	1, 2, 9.....	1, 2; pt. relating to punishment by whipping ...	1796	30	5	[214]
1787	97	All.....	.....	.....	.....	.....	[215]
1788	16	All.....	All.....	1828	21*	1 ¶ 25	
1788	17	1-6.....	1-6.....	1801	193		
1788	18	2-10.....	2-10.....	1801	193		
1788	19	All.....	All.....	1828	21*	1 ¶ 26	
1788	20	All.....	All.....	1801	193		
1788	21	All.....	All.....	1828	21*	1 ¶ 27	
1788	22	All.....	All.....	1828	21*	1 ¶ 28	
1788	23	All.....	All.....	1828	21*	1 ¶ 29	
1788	24	All.....	All.....	1828	21*	1 ¶ 30	
1788	25	All.....	All.....	1801	193		
1788	26	All.....	.....	.....	.....	.....	[216]
1788	34	3.....	3.....	1828	21*	1 ¶ 33	
1788	35	All.....	All.....	1801	193		
1788	37	1, 2, 6, 7, 9-11..	1, 2, 6, 7, 9-11.....	1801	193		
1788	42	1-8.....	1-8.....	1801	193		
1788	48	12.....	12, pt. relating to the city of New York.....	1881	537	1	
			12.....	1801	193		
1788	85	1.....	1.....	1801	193		
1788	88	All.....	.....	.....	.....	.....	[217]
1789	3	All.....	All.....	1801	193		
1792	5	11.....					[218]
1796	30	1-13.....					[219]
1797	62	10.....	10.....	1801	193		[220]
1798	56	1, 2, 10-12.....	1, 2, 10-12.....	1801	193		

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Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1798	82	All	All.....	1801	193		
1798	3	All (22d Sess.) ..	All.....	1828	21*	1 ¶ 41	
1799	57	All	All.....	1801	193		
1800	60	3-5, 13	3-5, 13.....	1801	193		
1800	133	25.....	.....	....	...	.....	[221]
1801	29	1, 2	1, 2.....	1828	21*	1 ¶ 47	
1801	31	1.....	1.....	1828	21*	1 ¶ 49	
1801	34	1, 2, 4-8.....	1, 2, 4-8.....	1813	202		
1801	46	All.....	All.....	1828	21*	1 ¶ 53	
1801	48	All.....	All.....	1828	21*	1 ¶ 55	
1801	53	All.....	All.....	1828	21*	1 ¶ 59	
1801	54	All.....	All.....	1813	202		
1801	58	All.....	All.....	1813	202		
1801	60	3, 4, 6, 20.....	3, 4, 6, 20.....	1813	202		
1801	61	10, 16, 17.....	10, 16, 17.....	1813	202		
			10, 16, 17.....	R. L. 1813	41	29	
1801	64	4.....	4.....	1813	202		
1801	70	12.....	12.....	1813	202		
1801	74	1, 3	1, 3.....	1828	21*	1 ¶ 61	
1801	87	2-10.....	2-10.....	1828	21*	1 ¶ 62	
1801	88	All.....	All.....	1828	21*	1 ¶ 63	
1801	124	All.....	1.....	1819	217	3	
			All.....	1828	21*	1 ¶ 64	
1801	126	All.....	All.....	1819	206	42	
1801	146	2.....	2.....	1813	202		
1801	147	1.....	1.....	1813	202		
1802	44	All.....	All.....	1828	21*	1 ¶ 69	
1803	71	All.....	All.....	1813	202		

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Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1804	20	All.....	All.....	1819	206	42	
1805	90	3.....	3.....	1828	21*	1 ¶ 163	
1805	91	1-9.....	1-9.....	1819	206	42	
1806	181	1, 2.....	1, 2.....	1813	202		
1807	65	2.....	.....	.....	...	.....	[22]
1807	107	4.....	4.....	1813	202		
1807	171	All.....	All.....	1819	206	42	
1807	181	All.....	All.....	1813	202		
			All.....	1819	206	42	
1808	96	All.....	All.....	1813	202		
1808	155	1-20, 25.....	1-20, 25.....	1813	202		
1808	226	All.....	All.....	1828	21*	1 ¶ 75	
1809	36	All.....	All.....	1813	202		
			All.....	1819	206	42	
1809	138	8, 9.....	8, 9.....	1813	202		
1810	187	5.....	5.....	1813	202		
1810	193	20.....	20.....	1813	202		
			20.....	1819	206	42	
1811	238	2.....	2.....	1813	202		
1812	84	1.....	1.....	1813	202		
1813	198	All.....	All.....	1819	206	42	
R.L.1813 5	All.....	All.....	All.....	1828	21*	1 ¶ 136	
R.L.1813 10	All.....	All.....	All.....	1819	206	42	
			All.....	1828	21*	1 ¶ 135	
R.L.1813 15	All.....	All.....	All.....	1817	137	33	
R.L.1813 20	All.....	All.....	All.....	1828	21*	1 ¶ 105	
R.L.1813 24	All.....	All.....	All.....	1828	21*	1 ¶ 137	

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Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
R.L.1813	29	All.....	All.....	1828	21*	1 ¶ 104	
R.L.1813	44	All.....	All.....	1828	21*	1 ¶ 103	
R.L.1813	45	All.....	All.....	1816	1	7 (40th Sess.)	
R.L.1813	56	28.....	28.....	1828	21*	1 ¶ 124	
1814	120	1-5, 13-17....	1-5, 13-17.....	1819	206	42	
1814	200	51.....	51.....	1819	206	42	
1814	2	All (38th Sess.)	All.....	1828	21*	1 ¶ 178	
1814	19	All (38th Sess.)	All.....	1828	21*	1 ¶ 181	
1815	128	All.....	All.....	1828	21*	1 ¶ 190	
1815	167	All.....	All.....	1828	21*	1 ¶ 198	
1815	266	21.....	21.....	1817	86	2	
1816	1	1, 2, 5 pt., from beginning to first semicolon; 7 (40th Sess.)	1, 5 pt., from beginning to first semicolon; 7..... 2.....	1828 1824	21* 61	1 ¶ 218 1	
1817	86	All.....	Part relating to lotteries.	1819	206	42	[223]
1817	137	33.....	.....	.....	...	.....	[224]
1817	181	All.....	All.....	1828	21*	1 ¶ 234	
1817	269	11, 13.....	11, 13.....	1828	21*	1 ¶ 79	
1817	275	21.....	21.....	1828	21*	1 ¶ 242	
			21, pt. relating to the city of New York.....	1881	537	1	
1818	47	2, pt. beginning " And further," to end of sec- tion.	2 pt. beginning " And fur- ther," to end of section..	1828	21*	1 ¶ 247	
1818	136	All.....	All.....	1819	206	42	

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Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1818	227	4.....	4.....	1820	194	10	
			4, pt. relating to city of New York.....	1881	537	1	
1818	259	3, 17.....	3, 17.....	1828	21*	1 ¶ 265	
1818	261	2.....	2.....	1819	206	42	
1819	206	All.....	8 pt. contained in proviso; 9-11, pt. requiring ven- ders of tickets residing in any town or county in this state, except the city of New York, to take out a license to retail or vend lottery tickets.....	1820	28	4	
			35.....	1827	300	13	
			Part relating to city of New York.....	1881	537	1	
			All.....	1828	21*	1 ¶ 285	
1819	217	All.....	All.....	1828	21*	1 ¶ 288	
1819	246	All.....	All.....	1828	21*	1 ¶ 291	
1820	28	All.....	.....	.....	.....	.....	[225]
1820	94	All.....	.....	.....	.....	.....	[226]
1820	197	All.....	Part relating to city of New York.....	1881	537	1	[227]
1821	193	All.....					[228]
1822	71	1-6.....					[229]
1822	163	All.....					[230]
1824	61	1.....	1.....	1828	21*	1 ¶ 406	

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Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1824	322	All.....	All.....	1828	21*	1 ¶ 423	
1826	108	All.....	.....	....	...	.....	[231]
1827	300	All.....	All.....	1828	21*	1 ¶ 527	
			Part relating to city of				
			New York.....	1881	537	1	
1827	312	All.....	All.....	1828	21*	1 ¶ 528	
1828	320	All.....	All.....	1828	21*	1 ¶ 547	
1828	21*	1 ¶¶ 11, 12, 25- 30, 41, 53, 55, 59, 63, 64, 69, 75, 103-105, 135-137, 178, 181, 190, 198, 234, 285, 288, 291, 423, 527, 528, 547.....	.....	....	...	.....	[224]
1829	270	All.....	2.....	1858	359	1	[231a]
1829	373	All.....	All.....	1842	130	Tit. 8, § 8	
1830	320	58, 59.....	58.....	1886	593	2	
			59.....	1886	593	1 ¶ 5	
1833	230	All.....	All.....	1886	593	1 ¶ 8	
1833	306	All.....	.....	....	...	.....	[232]
1833	315	All.....	All.....	1886	593	1 ¶ 8	
1834	73	All.....			..		[233]
1834	187	All.....	All.....	1838	160	3	
			All.....	1886	593	1 ¶ 9	
1834	281	All.....	All.....	1886	593	1 ¶ 9	

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Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1836	171	6.....	6.....	1847	460	160	
			6.....	1869	895	4	
1837	430	6, 8-10.....	6, 8.....	1886	593	1 ¶ 12	[234]
1837	457	All.....	All.....	1886	593	2	
1839	259	All.....	Part relating to city of New York.....	1881	537	1	
			All.....	1886	593	1 ¶ 14	
1839	389	1-6, 11-14.....	1-6, 11-14.....	1890	569	240	
			11-14.....	1842	130	Tit. 8, § 8	
1840	100	All.....	All.....	1886	593	2	
1840	375	All.....	.....	.....	.....	.....	[235]
1841	301	9.....	9.....	1842	130	Tit. 8, § 8	
			9.....	1886	593	1 ¶ 16	
1842	130	Title 6, § 18; Title 7, §§ 1-4, 6, 8-13.	Title 6, § 18..... Title 6, § 18; Title 7, §§ 1-4, 6, 8-13..... Title 6, § 18, Title 7, §§ 1-4, 6, 8-13.....	1885 1892 1896	446 680 909	2 168 168	
1845	3	6-8.....	6.....	1876	1	1	[204]
			6-8.....	1886	593	1 ¶ 20	
1845	201	All.....	All.....	1886	593	1 ¶ 20	
1845	228	1.....	.....	.....	.....	.....	[236]
1845	260	All.....	1.....	1846	22	2	[236a]
			2.....	1869	631	4	
			3-5.....	1886	593	1 ¶ 20	
1845	279	All.....	All.....	1850	123	1	[204]
			All.....	1862	306	5	
			All.....	1886	593	1 ¶ 20	

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1846	22	All.....	1.....	1869	631	4	[236b]
			1.....	1886	593	1 ¶ 21	
1847	349	2, 3.....	2, 3.....	1886	593	1 ¶ 22	
1848	105	All.....	All.....	1886	593	1 ¶ 23	
1848	111	All.....	All.....	1886	593	1 ¶ 23	
1849	256	2.....	2.....	1886	593	1 ¶ 24	
1849	278	All.....	All.....	1866	716	3	
			All.....	1886	593	1 ¶ 24	
1850	123	All.....	All.....	1862	306	5	
			All.....	1886	593	1 ¶ 25	
1850	340	All.....	1.....	1867	871	2	[204]
			1.....	1886	593	1 ¶ 25	
			All.....	1890	566	160	
			All.....	1892	687	34	
1851	144	All.....	All.....	1886	593	1 ¶ 26	
1851	182	All.....	All.....	1886	593	2	
1851	504	1, 2, 5-8.....	1, 2, 5-8.....	1886	593	1 ¶ 26	
1852	165	All.....	2-4.....	1886	593	1 ¶ 27	[237]
1853	539	1; 2, pt. adding §§ 13, 14 and 15, last sen- tence, to R. S. pt. 4, Ch. 1, Tit. 4, Art. 2.	1; 2, pt. adding §§ 13, 14, and 15, last sentence, to R. S. pt. 4, Ch. 1, Tit. 4, Art. 2.....	1886	593	2	
1853	573	All.....	1.....	1865	222	1	[204]
			All.....	1877	451	6	
			All.....	1886	593	1 ¶ 28	
1853	629	All.....	All.....	1886	593	1 ¶ 28	

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1854	74	All.....	All.....	1886	593	1 ¶ 29	
1854	109	All.....	All.....	1886	593	1 ¶ 29	
1854	130	All.....	All.....	1880	245	1 ¶ 31	
			All.....	1886	593	1 ¶ 29	
1855	155	All.....	All.....	1886	593	1 ¶ 30	
1855	214	All.....	All.....	1886	593	1 ¶ 30	
1855	499	All.....	All.....	1886	593	1 ¶ 30	
1855	564	All.....	All.....	1886	593	1 ¶ 30	
1856	98	All.....	All.....	1886	593	1 ¶ 31	
1856	147	28-33.....	28-33.....	1865	592	13	
			28-33 pt. relating to city of New York.....	1881	537	1	
			28-33.....	1886	593	1 ¶ 31	
1856	158	All.....	.....	.....	.....	.....	[236]
1857	396	1.....	1.....	1886	593	1 ¶ 32	
1857	470	All.....	All.....	1886	593	1 ¶ 32	
1858	326	All.....	All.....	1886	593	1 ¶ 33	
1858	359	All.....	All.....	1886	593	1 ¶ 33	
1859	37	All.....	All.....	1886	593	1 ¶ 34	
1859	48	All.....	All.....	1881	496	5	
1859	311	10, 11.....	10, 11.....	1886	593	1 ¶ 34	
			10, 11.....	1890	566	160	
			10, 11.....	1892	687	34	
1859	353	All.....	All.....	1886	593	1 ¶ 34	
1860	103	1-9.....	1-7, 9.....	1886	593	1 ¶ 35	[237]
			7.....	1870	423	4	[204]
1860	141	All.....	All.....	1886	593	1 ¶ 35	
			1, 3, 7.....	1866	440	1-3	[204]

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1860	213	5.....	5.....	1886	593	1 ¶ 35	
1860	410	1, 2 pt., from beginning to first semicolon; 6, 7, 9-11	1, 2 pt., from beginning to first semicolon; 6, 7, 9-11	1862	197	1	
1860	501	All.....	All.....	1886	593	1 ¶ 35	
1861	124	5.....	5.....	1886	593	1 ¶ 36	
			5.....	1894	338	181	
1861	303	All.....	All.....	1862	197	1	
1862	112	All.....	All.....	1886	593	1 ¶ 37	
1862	197	All.....	4-8.....	1886	593	2	[240]
			6, 7.....	1873	644	1, 2	[204]
			10.....	1886	593	1 ¶ 37	
1862	281	4.....	4.....	1886	593	1 ¶ 37	
1862	306	All.....	1-4.....	1886	593	1 ¶ 37	[241]
			3.....	1863	209	1	[204]
1862	374	All.....	All.....	1886	593	1 ¶ 37	
1862	477	11, last sentence	11, last sentence.....	1870	80	268	
1863	51	All.....	All.....	1886	593	2	
1863	209	All.....	All.....	1886	593	1 ¶ 38	
1863	244	All.....	All.....	1886	593	2	
1864	391	All.....	2.....	1886	593	1 ¶ 39	
			All.....	1896	548	1	
1865	212	All.....	All.....	1886	593	1 ¶ 40	
1865	222	All.....	All.....	1877	451	6	
			All.....	1886	593	1 ¶ 40	
1865	729	All.....	1.....	1867	955	1	[204]
			All.....	1886	593	2	

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1866	440	All.....	All.....	1886	593	1 ¶ 41	
1866	560	All.....	All.....	1886	593	1 ¶ 41	
1866	682	All.....	All.....	1886	593	1 ¶ 41	
1866	716	All.....	1, 2.....	1886	593	1 ¶ 41	[241a]
1866	783	All.....	All.....	1896	548	1	
1867	375	1-5, 7-10.....	1-3, 5, 7-9.....	1886	593	1 ¶ 42	[242]
1867	677	1.....	1.....	1886	593	1 ¶ 42	
1867	782	15.....	15.....	1886	593	2	
			15.....	1893	686	1	
1867	871	All.....	1.....	1886	593	2	
			2.....	1886	593	1 ¶ 42	
1867	955	All.....	All.....	1886	593	2	
1868	280	All.....	All.....	1886	593	1 ¶ 43	
1868	430	1-3.....	1-3.....	1872	747	5	
			1-3.....	1886	596	1 ¶ 43	
1868	645	All.....	All.....	1886	593	1 ¶ 43	
1868	670	All.....	All.....	1886	593	1 ¶ 43	
1868	793	All.....	All.....	1896	548	1	
1868	820	All.....		.....	.....	.....	[243]
1869	478	All.....	All.....	1886	593	1 ¶ 44	
1869	574	3.....	3.....	1892	587	1	[204]
1869	631	1, 2, 4.....	1, 2.....	1886	593	1 ¶ 44	[244]
1869	742	1-4, 8.....	1-4, 8.....	1886	593	1 ¶ 44	
1869	749	All.....	All.....	1886	593	1 ¶ 44	
1869	873	All.....	All.....	1886	593	2	
1869	895	4, 5.....		.....	.....	.....	[224]
1870	19	All.....		.....	.....	.....	[245]
1870	151	4.....	4.....	1886	593	1 ¶ 45	

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1870	299	All.....	All.....	1886	593	1 ¶ 45	
1870	300	2, 3.....	2.....	1886	593	1 ¶ 45	
			2, 3.....	1892	685	28	
1870	366	All.....	1.....	1872	721	1	[204]
			All.....	1886	593	1 ¶ 45	
1870	423	All.....	All.....	1886	593	1 ¶ 45	
1870	525	All.....	1.....	1886	593	1 ¶ 45	
			All.....	1893	661	209	
1870	636	All.....	All.....	1886	593	1 ¶ 45	
1871	77	All.....	All.....	1886	593	1 ¶ 46	
1871	259	All.....	All.....	1886	593	1 ¶ 46	
1872	113	All.....	All.....	1886	593	1 ¶ 47	
1872	181	All.....	3.....	1880	283	1	[204]
			All.....	1886	593	1 ¶ 47	
1872	411	All.....	All.....	1886	593	1 ¶ 47	
1872	590	All.....	2, 4.....	1900	327	172	
			3.....	1880	42	1	
			3.....	1886	593	1 ¶ 47	[246]
1872	721	All.....	All.....	1886	593	1 ¶ 47	
1872	747	1-3, 5, 6.....	1, 3.....	1873	777	1, 4	[204]
			1-3, 5, 6.....	1886	593	1 ¶ 47	
1873	19	All.....	1-3, 5.....	1893	692	3	
			4.....	1896	548	1	
1873	96	6.....	6.....	1892	679	113	
1873	644	All.....	1.....	1876	333	1	[247]
1873	688	2.....	2.....	1886	593	1 ¶ 48	
			2.....	1892	690	290	
1873	737	6.....	6.....	1886	593	1 ¶ 48	

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
			6.	1890	566	160	
			6.	1892	687	34	
1873	777	All.	All.	1886	593	1 ¶ 48	
1874	12	1-6, 8, 9.	1-6, 8, 9.	1886	593	1 ¶ 49	
1874	53	All.	All.	1886	593	1 ¶ 49	
1874	116	All.	All.	1886	593	1 ¶ 49	
1874	207	All.	1.	1886	593	2	[248]
1874	209	2.	2.	1876	108	1	[204]
1874	262	All.	All.	1886	593	1 ¶ 49	
1874	340	All.	All.	1886	593	1 ¶ 49	
1874	440	All.	All.	1886	593	1 ¶ 49	
1874	570	2.	2.	1886	593	1 ¶ 49	
			2.	1890	568	180	
1875	19	All.	All.	1886	593	1 ¶ 50	
1875	24	All.	All.	1886	593	2	
1875	97	All.	2.	1875	246	1	[250]
1875	107	All.	All.	1902	61	1	
1875	205	All. ....	.....	.....	.....	.....	[251]
1875	246	All. ....	.....	.....	.....	.....	[252]
1875	303	All.	All.	1886	593	1 ¶ 50	
1875	606	31, 32.	31, 32.	1892	687	34	
			32.	1886	593	1 ¶ 50	
1876	1	All.	1.	1886	593	1 ¶ 51	[253]
1876	108	1. ....	.....	.....	.....	.....	[254]
1876	122	All.	All.	1886	593	1 ¶ 51	
1876	182	2.	2.	1886	593	1 ¶ 51	
1876	201	All.	All.	1886	593	1 ¶ 51	
1876	333	All. ....	.....	.....	.....	.....	[255]

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1876	426	All.....	All.....	1880	245	1 ¶ 52	
1877	178	All.....	All.....	1886	593	1 ¶ 52	
1877	208	All.....	All.....	1886	593	1 ¶ 52	
1877	261	All.....	1.....	1881	436	1	[204]
			All.....	1886	593	1 ¶ 52	
1877	428	All.....	2.....	1881	496	1	[204]
			All.....	1886	593	1 ¶ 52	
1877	436	8.....	8.....	1886	593	1 ¶ 52	
			8.....	1892	686	238	
1877	451	All.....	All.....	1886	593	1 ¶ 52	
1878	28	All.....	All.....	1886	593	1 ¶ 53	
1878	48	3, pt. beginning “ and any trustee so becoming interested ” to end of section	3, pt. beginning “ and any trustee so becoming interested ” to end of section. 3, pt. beginning “ and any trustee so becoming interested ” to end of section.....	1886	593	1 ¶ 53	
			tion.....	1893	227	45	
1878	189	All.....	All.....	1886	593	1 ¶ 53	
1878	203	38.....	38.....	1886	593	1	
			38.....	1890	566	160	
			38.....	1892	687	34	
1878	261	All.....	1.....	1890	565	180	
			All.....	1892	687	34	
1878	288	All.....	All.....	1886	593	2	
1878	401	All.....	2.....	1886	593	1 ¶ 53	
			All.....	1893	692	3	
1879	24	All.....	All.....	1886	593	2	
1879	186	All.....	1, 2.....	1886	593	1 ¶ 54	[256]

or color of any process, arrests any person or detains him against his will, or seizes or levies upon any property, or dispossesses any one of any lands or tenements without a regular process therefor, [or any person who knowingly violates any other provision of this section,] is guilty of a misdemeanor. But nothing herein contained shall be deemed to affect, repeal or abridge the powers authorized to be exercised under sections one hundred and two, one hundred and four, one hundred and sixty-nine, one hundred and eighty-three, eight hundred and ninety-five, eight hundred and ninety-six and eight hundred and ninety-seven of the code of criminal procedure; or under [chapter three hundred and forty-six of the laws of eighteen hundred and sixty-three, as amended by chapter two hundred and fifty-nine of the laws of eighteen hundred and sixty-six, and chapter one hundred and ninety-three of the laws of eighteen hundred and seventy-five; or under chapter two hundred and twenty-three of the laws of eighteen hundred and eighty; or under chapter five hundred and twenty-seven of the laws of eighteen hundred and seventy-three; or under chapter two hundred and five of the laws of eighteen hundred and seventy-five;] section ninety of the railroad law; or under section eleven hundred and forty-seven of this chapter. [but] All places kept for summer resorts and the grounds of racing associations in the counties of New York, Kings and Westchester, are hereby exempted from the provisions of this [act] section.

[Penal Code § 119, pt., as amended by L. 1882, Ch. 384, § 1; L. 1892, Ch. 272, § 1. For remainder of section, see § 1845.]

§ 1847. Misconduct in executing search warrant.

An officer, who, in executing a search warrant, wilfully exceeds his authority, or exercises it with unnecessary severity, is guilty of a misdemeanor.

[Penal Code § 120.]

§ 1848. Refusing to aid officer in making an arrest.

A person, who, after having been lawfully commanded to aid an officer in arresting any person, or in re-taking any person who has escaped from legal custody, or in executing any legal process, wilfully neglects or refuses to aid such officer is guilty of a misdemeanor.

[Penal Code § 121.]

§ 1849. Refusing to make an arrest. A person, who, after having been lawfully commanded by any magistrate to ar-

rest another person, wilfully neglects or refuses so to do, is guilty of a misdemeanor.

[Penal Code § 122.]

§ 1850. Resisting execution of process and aiding escapes in county which has been proclaimed in insurrection. A person, who, after proclamation issued by the governor declaring a county to be in a state of insurrection, resists, or aids in resisting, the execution of process in such county, or who aids or attempts the rescue or escape of another from lawful ~~costody~~ custody or confinement in such county, or who resists, or aids in resisting, a force ordered out by the governor to quell or suppress an insurrection, is guilty of a felony.

[Penal Code § 123, as amended by L. 1882, Ch. 384, § 1.]

§ 1851. Resisting public officer in the discharge of his duty. A person who, in any case or under any circumstances not otherwise specially provided for, wilfully resists, delays, or obstructs a public officer in discharging, or attempting to discharge, a duty of his office, is guilty of a misdemeanor.

[Penal Code § 124.]

§ 1852. Buying demands by a justice or constable for suit before a justice. A justice of the peace or a constable who, directly or indirectly, buys or is interested in buying any thing in action, for the purpose of commencing a suit thereon before a justice, is guilty of a misdemeanor.

[Penal Code § 137.]

§ 1853. Lending money upon claims delivered for collection. A justice of the peace or constable who, directly or indirectly, gives, or promises to give, any valuable consideration to any person as an inducement to bring, or in consideration of having brought, a suit thereon before a justice, is guilty of a misdemeanor.

[Penal Code § 138, as amended by L. 1882, Ch. 384, § 1.]

§ 1854. Forfeiture of office. A person convicted of a violation of [any of] the [three] two preceding sections, in ^[See note 15] addition to the punishment, by fine and imprisonment, prescribed therefor by this [code] article, forfeits his office.

[Penal Code § 139.]

§ 1855. **Receiving claims, in what cases allowable.** Nothing in the [four] three preceding sections shall be construed to prohibit the receiving in payment of any thing in action for any estate, real or personal, or for any services of an attorney or counselor actually rendered, or for a debt antecedently contracted; or the buying or receiving of any thing in action for the purpose of remittance, and without any intent to violate the three preceding sections.

[Penal Code § 140.]

§ 1856. **Application of previous sections to persons prosecuting in person.** The provisions of sections [one hundred and thirty-six, one hundred and thirty-eight and one hundred and forty,] two hundred and seventy-four, two hundred and seventy-five, eighteen hundred and fifty-three and eighteen hundred and fifty-five, relative to the buying of claims by [an attorney, counselor] a justice of the peace or constable, with intent to prosecute them, [or to the lending or advancing of money by an attorney or counselor in consideration of a claim being delivered for collection,] apply to every case of such buying a claim, or lending or advancing money, by any person prosecuting in person an action or legal proceeding.

[Penal Code § 141, as amended by L. 1882, Ch. 384, § 1.]

§ 1857. **Omission of duty by public officer.** Where any duty is or shall be enjoined by law upon any public officer, or upon any person holding a public trust or employment, every wilful omission to perform such duty, where no special provision shall have been made for the punishment of such delinquency, is punishable as a misdemeanor.

[Penal Code § 154.]

§ 1858. **Falsely marking enrolled person exempt.** A county clerk who marks "exempt" any person enrolled as liable to military duty, whom he knows not to be exempt, is guilty of a misdemeanor.

[Penal Code § 154a, added by L. 1893, Ch. 692, § 2.]

§ 1859. **Neglect to return names of constables.** A town clerk who wilfully omits to return to the county clerk the name of a person who has qualified as constable, pursuant to law, is punishable by a fine not exceeding ten dollars.

[Penal Code § 161.]

§ 1860. Falsely certifying as to record of deeds and instruments. An officer authorized by law to record a conveyance of real property, or of any other instrument, which by law may be recorded, who knowingly and falsely certifies that such a conveyance or instrument has been recorded, is guilty of a felony.

[Penal Code § 162.]

§ 1861. False certificates. A public officer who, being authorized by law to make or give a certificate or other writing, knowingly makes and delivers as true such a certificate or writing, containing any statement which he knows to be false, in a case where the punishment thereof is not expressly provided by law, is guilty of a misdemeanor.

[Penal Code § 163.]

§ 1862. Penalty for recording instruments without acknowledgment. A public officer authorized to file or record any instrument or conveyance of, or affecting property which is duly proved or acknowledged, who knowingly files or records any such instrument or conveyance which is not accompanied by a certificate according to law, of the proof or acknowledgment, is guilty of a misdemeanor.

[Penal Code § 164.]

§ 1863. Auditing and paying fraudulent claims upon the state or a municipal corporation. A public officer, or a person holding or discharging the duties of any office or place of trust under the state, or in any county, town, city or village, a part of whose duty is to audit, allow or pay, or take part in auditing, allowing or paying, claims or demands upon the state, or such county, town, city or village, who knowingly audits, allows or pays, or directly or indirectly consents to, or in any way connives at the auditing, allowance or payment of any claim or demand against the state or such county, town, city or village, which is false or fraudulent, or contains charges, items or claims, which are false or fraudulent, is guilty of felony, punishable by imprisonment for a term not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

[Penal Code § 165, as amended by L. 1892, Ch. 662, § 2.]

§ 1864. Obtaining proceeds of fraudulent audit or payment. A person who, being or acting as a public officer or otherwise, by wilfully auditing, or paying, or consenting to, or

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
			442.....	1888	526	1	[204]
			451.....	1882	384	1	[204]
			458.....	1896	301	1	[204]
			468.....	1893	692	1	[204]
			473.....	1888	493	1	[204]
			489.....	1892	662	12	[204]
			500.....	1892	677	35	
			504.....	1903	332	1	[204]
			507.....	1892	662	13	[204]
			508.....	1884	369	1	[204]
			514.....	1884	378	1	[204]
			517.....	1905	242	1	[204]
			523, 524.....	1892	662	14, 15	[204]
			527.....	1887	687	1	[204]
			528.....	1907	581	1	[204]
			533, 534.....	1892	662	16, 17	[204]
			544.....	1905	556	1	[204]
			550.....	1903	326	1	[204]
			555.....	1882	384	1	[204]
			559.....	1891	120	1	[204]
			564.....	1899	327	1	[204]
			570.....	1886	654	1	[204]
			573.....	1892	692	1	[204]
			576.....	1892	662	18	[204]
			579.....	1882	384	1	[204]
			587.....	1893	681	1	[204]
			590.....	1892	692	1	[204]
			591, 592.....	1892	662	19, 20	[204]

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
			593.....	1892	692	1	[204]
			594, subd. 6.....	1901	588	1	
			594, subd. 7.....	1892	692	1	[204]
			594, subd. 7.....	1901	588	1	
			600.....	1905	248	1	[204]
			601.....	1902	148	1	[204]
			602.....	1892	662	21	[204]
			603-607, 609-612.....	1892	692	1	[204]
			607, 608.....	1884	377	1	
			613, subd. 1.....	1901	588	2	
			613, 614.....	1892	692	1	[204]
			615.....	1882	384	1	
			616.....	1897	506	2	[204]
			618, 621.....	1892	662	22, 23	[204]
			628, 629.....	1892	692	1	[204]
			635.....	1890	280	1	[204]
			639, subd. 7.....	1892	372	1	
			640, subd. 8.....	1888	491	1	[204]
			640.....	1892	692	1	[204]
			641.....	1895	727	1	[204]
			642.....	1895	287	1	[204]
			647.....	1892	692	1	[204]
			648.....	1907	405	1	[204]
			649.....	1892	662	24	[204]
			651.....	1888	219	1	[204]
			652.....	1897	267	1	[204]
			653.....	1882	384	1	[204]
			654.....	1892	186	1	[204]

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
			656.....	1888	144	1	[204]
			661.....	1885	523	1	[204]
			665.....	1888	144	2	[204]
			666.....	1902	266	1	[204]
			668.....	1888	144	3	[204]
			675.....	1882	384	1	[204]
			686.....	1902	116	1	[204]
			696.....	1892	662	25	[204]
			697.....	1886	68	1	[204]
			698.....	1896	374	1	[204]
			699.....	1892	496	1	[204]
			700.....	1888	145	8	[204]
			701.....	1896	554	1	[204]
			713.....	1884	46	9	[204]
			718, 725.....	1882	384	1	[204]
			727.....	1882	102	1	[204]
1882	102	All.....	.....	....	....	.....	[260]
1882	165	All.....	All.....	1889	8	2	
1882	384	All.....	1, pt. amending L. 1881, Ch. 676, § 119.....	1892	272	1	[204]
			1, pt. amending L. 1881, Ch. 676, § 278, subd. 1..	1887	693	1	[204]
			1, pt. amending L. 1881, Ch. 676, § 278.....	1892	325	1	[204]
			1, pt. amending L. 1881, Ch. 676, § 364.....	1889	45	1	[204]
			1, pt. amending L. 1881, Ch. 676, § 367.....	1904	494	1	[204]

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
			1, pt. amending L. 1881, Ch. 676, § 369.....	1885	513	1	[204]
			1, pt. amending L. 1881, Ch. 676, §§ 370, 371.....	1904	474	1	[204]
			1, pt. amending L. 1881, Ch. 676, § 572.....	1892	692	1	[204]
			1, pt. amending L. 1881, Ch. 676, § 675.....	1891	327	1	[204]
1883	302	All.....	1.....	1883	358	6	[260]
1883	358	All.....	4.....	1896	648	1	[260]
			6.....	1895	778	1	[204]
1884	46	All.....	1.....	1888	145	1	[260]
			2-4.....	1886	31	1-3	[204]
			5, pt. amending L. 1881, Ch. 676, § 291, subd. 5...	1886	31	4	[204]
			5, pt. amending L. 1881, Ch. 676, § 291, subd. 6...	1892	217	1	[204]
			6.....	1886	31	5	[204]
			7, 8.....	1889	140	1, 2	[204]
1884	369	All.....	.....	.....	.....	.....	[260]
1884	377	All.....	.....	.....	.....	.....	[260]
1884	378	All.....	1.....	1892	692	1	[204]
1884	380	All.....	1.....	1887	692	1	[204]
1885	8	All.....	.....	.....	.....	.....	[261]
1885	348	6.....	6.....	1899	516	4	[204]
1885	513	All.....	1.....	1904	494	1	[204]
1885	519	All.....	.....	.....	.....	.....	[260]
1885	523	All.....	.....	.....	.....	.....	[260]

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1886	31	All.....	1, pt. amending L. 1881, Ch. 676, § 282, subds. 1, 4	1895	460	2	[260]
			1.....	1902	83	1	[204]
			2, 4.....	1888	145	4, 6	[204]
			3.....	1889	170	1	[204]
			5.....	1892	309	1	[204]
			6.....	1892	325	4	[204]
1886	68	All.....	1.....	1888	492	1	[204]
1886	390	All.....	.....	.....	.....	.....	[262]
1886	547	All.....	All.....	1893	692	3	
1886	645	All.....	1.....	1895	883	1	[204]
1886	654	All.....	.....	.....	.....	.....	[260]
1886	663	All.....	.....	.....	.....	.....	[260]
1887	23	All.....	.....	.....	.....	.....	[260]
1887	153	All.....	.....	.....	.....	.....	[260]
1887	532	All.....	All.....	1893	692	3	
1887	535	All.....	.....	.....	.....	.....	[260]
1887	647	9.....	.....	.....	.....	.....	[260]
1887	687	All.....	.....	.....	.....	.....	[260]
1887	688	All.....	.....	.....	.....	.....	[260]
1887	689	All.....	1.....	1900	494	1	[204]
1887	690	All.....	1.....	1905	270	1	[204]
1887	691	All.....	.....	.....	.....	.....	[260]
1887	692	All.....	1, pt. amending L. 1881, Ch. 676, § 317, subd. 1...	1900	731	1	[260]
1887	693	All.....	1.....	1892	325	1	[204]
1887	711	9. pt. beginning "and the court" to end of section.	.....	.....	.....	.....	[263]

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1888	1	All.....	All.....	1893	692	3	
1888	144	All.....	1, 3.....	1888	490	5, 6	[260]
1888	145	All.....	4.....	1892	825	3	[260]
1888	219	All.....	1.....	1892	692	1	[204]
1888	282	All.....	.....	.....	.....	.....	[260]
1888	490	5, 6.....	5.....	1907	192	1	[260]
1888	491	All.....	1.....	1892	692	1	[204]
1888	492	All.....	.....	.....	.....	.....	[263a]
1888	493	All.....	1.....	1890	220	1	[204]
1888	526	All.....	.....	.....	.....	.....	[260]
1889	8	All.....	.....	.....	.....	.....	[263b]
1889	45	All.....	.....	.....	.....	.....	[260]
1889	46	All.....	.....	.....	.....	.....	[260]
1889	140	All.....	1.....	1899	603	1	[204]
			2.....	1905	92	2	[204]
1889	141	All.....	1.....	1892	634	1	[204]
1889	170	All.....	.....	.....	.....	.....	[260]
1889	267	All.....	.....	.....	.....	.....	[260]
1889	428	All.....	1.....	1895	571	1	[204]
1889	497	All.....	1.....	1892	692	1	[204]
1889	500	All.....	.....	.....	.....	.....	[260]
1890	41	All.....	All.....	1892	325	5	
1890	94	All.....	1.....	1892	693	1	[263c]
1890	220	All.....	.....	.....	.....	.....	[260]
1890	280	All.....	1.....	1892	692	1	[204]
1890	336	All.....	.....	.....	.....	.....	[260]
1890	340	All.....	1.....	1894	626	1	[204]
1890	378	All.....	.....	.....	.....	.....	[260]

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1890	417	All.....	.....	...	...	.....	[260]
1890	458	All.....	.....	...	...	.....	[260]
1891	120	All.....	.....	...	...	.....	[260]
1891	327	All.....	.....	...	...	.....	[260]
1891	358	All.....	1.....	1900	759	1	[204]
1892	186	All.....	.....	...	...	.....	[260]
1892	217	All.....	2.....	1896	414	1	[260]
1892	218	All.....	.....	...	...	.....	[260]
1892	268	All.....	.....	...	...	.....	[260]
1892	272	All.....	.....	...	...	.....	[260]
1892	309	All.....	.....	...	...	.....	[260]
1892	325	All.....	1, pt. amending L. 1881, Ch. 676, § 278, subd. 5...	1895	460	1	[264]
			2.....	1903	376	1	[204]
1892	372	All.....	.....	...	...	.....	[260]
1892	496	All.....	1.....	1894	726	1	[204]
1892	587	1.....	1.....	1893	114	1	[204]
1892	622	All.....	.....	...	...	.....	[260]
1892	634	All.....	.....	...	...	.....	[260]
1892	662	All.....	12, pt. amending L. 1881, Ch. 676, § 489, subd. 1...	1895	902	1	[260]
			12.....	1897	549	1	[204]
1892	692	All.....	1, pt. amending L. 1881, Ch. 676, §§ 413, 416, 577a, 611, subd. 4.....	1893	692	1	[204]
			1, pt. amending L. 1881, Ch. 676, § 418.....	1895	892	1	[204]

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
			1, pt. amending L. 1881, Ch. 676, § 424.....	1896	664	1	[204]
			1, pt. amending L. 1881, Ch. 676, § 593.....	1904	489	1	[204]
			1, pt. amending L. 1881, Ch. 676, § 611, subds. 2, 3	1906	286	1, 2	[204]
			1, pt. amending L. 1881, Ch. 676, § 613, subd. 1...	1901	588	2	
			1, pt. amending L. 1881, Ch. 676, § 613, subd. 2...	1901	588	3	[204]
			1, pt. amending L. 1881, Ch. 676, § 635.....	1895	726	1	[204]
			1, pt. amending L. 1881, Ch. 676, § 640, subd. 8...	1894	164	1	[204]
			1, pt. amending L. 1881, Ch. 676, § 651.....	1892	699	1	[204]
1892	693	All.....	1, pt. amending L. 1881, Ch. 676, § 41.....	1895	721	1	[260]
			1, pt. amending L. 1881, Ch. 676, § 41a.....	1897	255	1	[204]
			1, pt. amending L. 1881, Ch. 676, §§ 41b, 41g.....	1905	625	5, 7	[204]
			1, pt. amending L. 1881, Ch. 676, §§ 41c, 41r.....	1893	692	1	[204]
			1, pt. amending L. 1881, Ch. 676, § 41d.....	1901	371	3	[204]
			1, pt. amending L. 1881, Ch. 676, §§ 41e, 41i, 41k,				

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
			41p, 41q, 41t.....	1894	714	1-6	[204]
			1, pt. amending L. 1881, Ch. 676, § 41l.....	1901	371	4	
			1, pt. amending L. 1881, Ch. 676, § 41m.....	1894	77	2	[204]
			1, pt. amending L. 1881, Ch. 676, § 41o.....	1895	885	1	[204]
1892	699	All.....	1.....	1893	692	1	[204]
1893	114	All.....	.....	.....	.....	.....	[265]
1893	279	All.....	1.....	1905	655	1	[204]
1893	292	All.....	.....	.....	.....	.....	[260]
1893	296	All.....	.....	.....	.....	.....	[266]
1893	461	All.....	.....	.....	.....	.....	[260]
1893	650	All.....	.....	.....	.....	.....	[260]
1893	681	All.....	.....	.....	.....	.....	[260]
1893	692	All.....	1, pt. amending L. 1881, Ch. 676, § 41c.....	1905	625	4	[260]
			1, pt. amending L. 1881, Ch. 676, § 41r.....	1901	371	9	[204]
			1, pt. amending L. 1881, Ch. 676, § 160.....	1903	333	1	[204]
			1, pt. amending L. 1881, Ch. 676, § 651.....	1900	589	1	[204]
			2, pt. amending L. 1881, Ch. 676, § 41k, subd. 18..	1894	714	3	[204]
			2, pt. amending L. 1881, Ch. 676, § 384b.....	1894	698	5	[204]
			2, pt. amending L. 1881,				

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
			Ch. 676, § 408a.....	1894	426	2	[204]
			2, pt. amending L. 1881,				
			Ch. 676, § 429a.....	1894	753	2	
			2, pt. amending L. 1881,				
			Ch. 676, § 447a.....	1897	416	1	[204]
			2, pt. amending L. 1881,				
			Ch. 676, § 640, subd. 14..	1894	551	1	[204]
			2, pt. amending L. 1881,				
			Ch. 676, § 674a.....	1894	505	1	[204]
1893	708	All.....	.....	.....	.....	.....	[260]
1893	709	All.....	.....	.....	.....	.....	[260]
1894	77	All.....	2.....	1894	282	1	[260]
1894	164	All.....	1.....	1894	320	1	[204]
1894	171	All.....	.....	.....	.....	.....	[260]
1894	259	All.....	.....	.....	.....	.....	[267]
1894	265	All.....	.....	.....	.....	.....	[268]
1894	282	All.....	1.....	1901	371	5	[269]
1894	320	All.....	.....	.....	.....	.....	[260]
1894	426	2.....	2.....	1897	554	2	[204]
1894	474	All.....	1.....	1898	330	1, 2	[204]
1894	505	All.....	1.....	1896	366	1	[204]
1894	551	All.....	1.....	1896	552	1	[260]
1894	626	All.....	.....	.....	.....	.....	[260]
1894	698	5.....	5.....	1896	931	6	
1894	714	All.....	2, 7.....	1905	625	8, 13	[260]
			3, pt. amending L. 1881,				
			Ch. 676, § 41k, subd. 4..	1896	549	1	[204]
			4, 5.....	1901	371	7, 8	[204]

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1894	726	All.....	1.....	1896	553	1	[204]
1894	753	All.....	1.....	1900	584	1	[260]
1895	72	All.....	1.....	1904	661	1	[204]
1895	155	All.....	1.....	1906	503	2	[204]
1895	287	All.....	1.....	1900	588	1	[204]
1895	460	All.....	2.....	1902	83	1	[260]
1895	571	All.....	.....	.....	.....	.....	[260]
1895	572	All.....	1.....	1901	636	1	[204]
1895	721	All.....	1.....	1897	255	1	[204]
1895	726	All.....	1.....	1897	183	1	[204]
1895	727	All.....	1.....	1901	661	1	[204]
1895	778	All.....	.....	.....	.....	.....	[260]
1895	823	All.....	1.....	1907	297	1	[204]
1895	883	All.....	1.....	1907	682	1	[204]
1895	885	All.....	1.....	1906	508	1	[204]
1895	890	All.....	.....	.....	.....	.....	[260]
1895	892	All.....	.....	.....	.....	.....	[260]
1895	902	All.....	1.....	1897	549	1	[204]
1895	927	9-11.....	9-11.....	1907	593	1	
1896	112	40, 41.....	40.....	1897	312	28	[270]
1896	301	All.....	1.....	1900	270	1	[204]
1896	304	All.....	.....	.....	.....	.....	[260]
1896	366	All.....	1.....	1896	1002	1	[204]
1896	374	All.....	1.....	1900	114	1	[204]
1896	410	All.....	.....	.....	.....	.....	[260]
1896	414	All.....	1.....	1903	331	1	[204]
1896	549	All.....	.....	.....	.....	.....	[260]
1896	550	All.....	.....	.....	.....	.....	[260]

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1896	551	All.....	.....	...	.....	[260]	
1896	552	All.....	.....	...	.....	[260]	
1896	553	All.....	1.....	1902	103	1	[204]
1896	554	All.....	1.....	1904	388	1	[204]
1896	648	All.....	1.....	1901	392	1	[204]
1896	664	All.....	.....	...	.....	[260]	
1896	931	5.....	5.....	1897	416	1	[204]
1896	1002	All.....	1.....	1899	184	1	[204]
1897	42	All.....	.....	...	.....	[260]	
1897	183	All.....	.....	...	.....	[260]	
1897	255	All.....	1, pt. amending L. 1881, Ch. 676, § 41.....	1898	197	1	[204]
			1 pt. amending L. 1881, Ch. 676, § 41a.....	1901	371	2	[204]
1897	256	All.....	.....	...	.....	[271]	
1897	267	All.....	.....	...	.....	[260]	
1897	312	28.....	.....	...	.....	[272]	
1897	416	1-3.....	3, pt. amending L. 1881, Ch. 676, § 384g.....	1906	521	1	[260]
			3, pt. amending L. 1881, Ch. 676, § 384h.....	1907	506	1	[204]
			3, pt. amending L. 1881, Ch. 676, § 384i.....	1903	380	1	[204]
1897	506	All.....	.....	...	.....	[260]	
1897	548	All.....	.....	...	.....	[260]	
1897	549	All.....	.....	...	.....	[260]	
1897	554	2.....	.....	...	.....	[260]	
1897	584	All.....	.....	...	.....	[260]	

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1897	613	1.....	.....	....	...	.....	[260]
1898	156	Am.....	.....	....	...	.....	[260]
1898	165	4.....	4.....	1899	225	2	[204]
1898	197	All.....	1.....	1899	530	1	[204]
1898	325	All.....	.....	....	...	.....	[274]
1898	330	All.....	.....	....	...	.....	[260]
1898	394	All.....	1.....	1906	454	1	[204]
1898	555	10-11.....	.....	....	...	.....	[275]
1898	657	All.....	.....	....	...	.....	[276]
1898	663	All.....	.....	....	...	.....	[260]
1898	671	All.....	.....	....	...	.....	[277]
1899	12	All.....	1.....	1903	272	1	[204]
1899	184	All.....	1.....	1900	508	1	[204]
1899	225	2.....	.....	....	...	.....	[278]
1899	265	All.....	.....	....	...	.....	[260]
1899	316	All.....	.....	....	...	.....	[260]
1899	327	All.....	.....	....	...	.....	[260]
1899	338	All.....	.....	....	...	.....	[260]
1899	343	All.....	.....	....	...	.....	[260]
1899	475	All.....	.....	....	...	.....	[260]
1899	515	All.....	.....	....	...	.....	[260]
1899	516	4.....	.....	....	...	.....	[279]
1899	529	All.....	.....	....	...	.....	[260]
1899	530	All.....	1, pt. amending L. 1881, Ch. 676, § 41, subds. 2, 6.	1905	625	1, 2	[260]
			1, pt. amending L. 1881, Ch. 676, § 41, subd. 10...	1901	371	1	[204]
1899	603	All.....	1.....	1900	222	1	[204]

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1899	655	All.....	.....	....	...	.....	[460]
1899	724	All.....	.....	....	...	.....	[260]
1900	70	All.....	.....	....	...	.....	[260]
1900	109	All.....	1.....	1906	353	1	[204]
1900	114	All.....	.....	....	...	.....	[260]
1900	216	All.....	.....	....	...	.....	[260]
1900	222	All.....	1.....	1905	92	1	[204]
1900	270	All.....	.....	....	...	.....	[260]
1900	494	All.....	1.....	1902	486	1	[204]
1900	508	All.....	1.....	1905	590	1	[204]
1900	584	All.....	1.....	1905	326	1	[204]
1900	586	All.....	.....	....	...	.....	[260]
1900	588	All.....	1.....	1905	441	1	[204]
1900	589	All.....	1.....	1906	453	1	[204]
1900	731	All.....	.....	....	...	.....	[260]
1900	759	All.....	.....	....	...	.....	[260]
1900	768	All.....	.....	....	...	.....	[260]
1901	128	All.....	.....	....	...	.....	[260]
1901	190	All.....	.....	....	...	.....	[260]
1901	367	All.....	.....	....	...	.....	[260]
1901	371	All.....	2, 3, 5, 7, 8, 11.....	1905	625	3, 6, 10- 12, 14	[260]
1901	392	All.....	.....	....	...	.....	[260]
1901	425	All.....	1.....	1902	282	1	[204]
1901	528	All.....	.....	....	...	.....	[260]
1901	560	1.....	.....	....	...	.....	[260]
1901	588	All.....	.....	....	...	.....	[260]
1901	636	All.....	.....	....	...	.....	[260]
1901	661	All.....	.....	....	...	.....	[260]

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1902	88	All.....	.....	....	...	.....	[260]
1902	103	All.....	1.....	1905	655	4	[204]
1902	116	All.....	.....	....	...	.....	[260]
1902	148	All.....	.....	....	...	.....	[260]
1902	203	All.....	.....	....	...	.....	[260]
1902	266	All.....	1.....	1904	539	1	[204]
1902	282	All.....	1.....	1906	36	1	[204]
1902	333	All.....	.....	....	...	.....	[260]
1902	371	All.....	.....	....	...	.....	[260]
1902	486	All.....	.....	....	...	.....	[260]
1903	50	All.....	.....	....	...	.....	[260]
1903	272	All.....	1.....	1905	80	1	[204]
1903	309	All.....	.....	....	...	.....	[260]
1903	326	All.....	.....	....	...	.....	[260]
1903	331	All.....	.....	....	...	.....	[260]
1903	332	All.....	.....	....	...	.....	[260]
1903	333	All.....	.....	....	...	.....	[260]
1903	349	All.....	.....	....	...	.....	[260]
1903	376	All.....	.....	....	...	.....	[260]
1903	380	All.....	1.....	1907	506	2	[204]
1903	494	All.....	.....	....	...	.....	[260]
1904	388	All.....	.....	....	...	.....	[260]
1904	423	All.....	.....	....	...	.....	[280]
1904	489	All.....	.....	....	...	.....	[260]
1904	494	All.....	.....	....	...	.....	[260]
1904	539	All.....	.....	....	...	.....	[260]
1904	649	All.....	.....	....	...	.....	[260]
1904	657	All.....	.....	....	...	.....	[260]

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1904	659	All.....	.....	.....	.....	.....	[260]
1904	661	All.....	.....	.....	.....	.....	[260]
1905	80	All.....	1.....	1905	440	1	[204]
1905	92	All.....	.....	.....	.....	.....	[260]
1905	136	All.....	.....	.....	.....	.....	[260]
1905	168	All.....	.....	.....	.....	.....	[281]
1905	242	All.....	.....	.....	.....	.....	[260]
1905	248	All.....	.....	.....	.....	.....	[260]
1905	270	All.....	.....	.....	.....	.....	[260]
1905	279	1.....	.....	.....	.....	.....	[260]
1905	287	All.....	.....	.....	.....	.....	[260]
1905	326	All.....	.....	.....	.....	.....	[260]
1905	366	All.....	.....	.....	.....	.....	[260]
1905	380	5, 6.....	.....	.....	.....	.....	[282]
1905	440	All.....	.....	.....	.....	.....	[260]
1905	441	All.....	.....	.....	.....	.....	[260]
1905	442	All.....	1.....	1907	646	2	[260]
1905	443	All.....	.....	.....	.....	.....	[260]
1905	556	All.....	.....	.....	.....	.....	[260]
1905	590	All.....	.....	.....	.....	.....	[260]
1905	625	All.....	14.....	1906	503	3	[260]
1905	655	All.....	4.....	1907	417	1	[260]
1905	692	All.....	.....	.....	.....	.....	[260]
1906	36	All.....	1.....	1907	737	1	[204]
1906	41	All.....	.....	.....	.....	.....	[260]
1906	138	All.....	.....	.....	.....	.....	[260]
1906	231	All.....	1.....	1907	741	1	[204]
1906	286	All.....	.....	.....	.....	.....	[260]

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1906	324	All.....	.....	.....	.....	.....	[260]
1906	353	All.....	.....	.....	.....	.....	[260]
1906	413	All.....	.....	.....	.....	.....	[260]
1906	453	All.....	.....	.....	.....	.....	[260]
1906	454	All.....	.....	.....	.....	.....	[260]
1906	485	All.....	.....	.....	.....	.....	[260]
1906	503	All.....	1.....	1907	398	1	[260]
1906	516	All.....	.....	.....	.....	.....	[260]
1906	521	All.....	.....	.....	.....	.....	[260]
1907	192	All.....	.....	.....	.....	.....	[260]
1907	297	All.....	.....	.....	.....	.....	[283]
1907	398	All.....	.....	.....	.....	.....	[260]
1907	405	All.....	.....	.....	.....	.....	[260]
1907	417	All.....	.....	.....	.....	.....	[260]
1907	424	All.....	.....	.....	.....	.....	[260]
1907	506	All.....	1, pt. amending L. 1881, Ch. 676, § 384h, subd. 4..	1907	523	1	[260]
1907	523	All.....	.....	.....	.....	.....	[260]
1907	544	All.....	.....	.....	.....	.....	[260]
1907	546	All.....	.....	.....	.....	.....	[260]
1907	581	All.....	.....	.....	.....	.....	[260]
1907	582	All.....	.....	.....	.....	.....	[260]
1907	583	All.....	.....	.....	.....	.....	[260]
1907	584	All.....	.....	.....	.....	.....	[260]
1907	626	All.....	.....	.....	.....	.....	[260]
1907	646	All.....	.....	.....	.....	.....	[260]
1907	649	All.....	.....	.....	.....	.....	[284]
1907	682	All.....	.....	.....	.....	.....	[260]

Statutes Hereby Repealed			Previous Repeals				See note
L.	Ch.	Section	Section	Repealing Statutes			
				L.	Ch.	§	
1907	683	All.....	.....	.....	.....	.....	[260]
1907	737	All.....	.....	.....	.....	.....	[260]
1907	738	All.....	.....	.....	.....	.....	[260]
1907	741	All.....	.....	.....	.....	.....	[260]

Statutes Hereby Repealed		Subject of Section	See note
Code Civil Procedure	Section		
32-33.....		Forbid sale of liquor in court house and prescribe penalty.....	[285]
63-64.....		Unauthorized practice of law and penalty.....	[286]
70-71.....		Deceit and collusion by attorney; pen- alty for violation.....	[287]
73-77.....		Forbid attorneys to buy claims for action; penalty.....	[288]
78-81.....		Forbid attorneys to act in proceedings when interested; penalty.....	[289]
106.....		Refusal to aid sheriff to execute process..	[290]
108, subd. 3, last sentence....		Witness's refusal to testify in perjury case.....	[291]
125, part prescribing penalty for violation		Sheriff's violation of law in relation to jails.....	[292]
130.....		Penalty for buying or selling liquor in jails.....	[293]
157, second sentence.....		Penalty for sheriff allowing prisoners to go at large.....	[294]
159.....		Conniving at escape of prisoners.....	[295]
334.....		Interpreter's misconduct.....	[296]
851.....		Perjury.....	[297]
961, last sentence.....		Misconduct of certain public and court officers.....	[298]
1120.....		Penalty for physician furnishing false certificate to juror.....	[299]
1122-1125.....		Misconduct of officers in regard to juries and jurors; false swearing.	[300]

Statutes Hereby Repealed		Subject of Section	See note
Code Civil Procedure	Section		
1158-1161.....		Misconduct with regard to juries and jurors.....	[301]
1679.....		Misconduct of court officer in regard to sale of real property.....	[302]
1900, part prescribing penalty.		Suing in name of another.....	[303]
1952 from beginning to and including word "misdemeanor"		Refusal by public officer to deliver books and papers to successor.....	[304]
2241, part prescribing penalty.		Refusal to deliver precept on substitute service.....	[305]
3346.....		Saving clause.....	[306]

PENAL LAW

NOTES TO TEXT

General Note. The Penal Code was first reported to the Legislature in 1865, and was revised in 1879 by the commissioners of the Code of Criminal Procedure, David Dudley Field, James Emott and Benjamin K. Phelps.

It was passed in 1881 as Ch. 676 of the laws of that year, and was published as volume three of the session laws of 1881, under the authority of L. 1881, Ch. 680.

This is the only official publication of the Penal Code, all subsequent compilations being the result of individual effort and enterprise.

The "old" Penal Code, so called to distinguish it from the Consolidated Penal Law which is herewith presented, consists of the Laws of 1881, Chapter 676, with the additions and amendments made thereto and less the eliminations therefrom resulting from legislative repeal and provisions declared unconstitutional by the court of last resort. The "old" Penal Code, as enacted in 1881, consisted of 727 sections. The changes made thereto by legislative action in the years 1882-1907 are shown by the Table of Amendments, Repeals and Additions following this note.

The "old" Penal Code is divided into Titles and Chapters, and the sections are numbered consecutively. This leaves no room for expansion, and as sections have been added they have been distinguished by a letter suffixed to them. The result of this is shown in Title V, Crimes Against the Elective Franchise, in which the sections commencing with 41 exhaust the alphabet in suffixes and close with 41zzz. Of the eighteen Titles into which the "old" Penal Code is divided, four are subdivided into Chapters, the remaining Titles being without other subdivisions than sections. That this arrangement is not practically suited to the subject is proved by the necessity of using Title XI, Of Other Offenses, embracing §§ 356-384q, covering offenses running from the practice of veterinary medicine without a license to the issue and redemption of trading stamps; and of Title XVII, Miscellaneous Crimes, containing §§ 670-676, and dealing with twelve distinct topics.

In Consolidated Penal Law, herewith submitted, there has been no effort to "revise." In a few instances sections have been divided, but these are invariably cases where a single section of

the Penal Code has embraced distinct topics or subjects. An example of this is found in Penal Code § 675, consolidated in Penal Law §§ 43, 720. In some cases two or more sections have been combined. Section 2, Definitions, is an instance in which definitions applying to the whole chapter have been brought together.

In rearranging the "old" Penal Code in the consolidation of the Penal Law herewith submitted, the Articles appear in alphabetical sequence under headings which indicate the subject or the object of the matter which follows the heading. This arrangement is shown by the Article analysis.

Care has been taken to preserve the form of expression and the punctuation of the original statutes.

In only one instance has the punctuation been changed. That is in the cases where prefatory matter is followed by two or more subdivisions, to all of which the prefatory matter refers. An instance is that of Penal Law, § 2, Definitions:

Crime. A "crime" is an act or omission forbidden by law, and punishable upon conviction by:

1. Death; or,
2. Imprisonment; or,
3. Fine; or,
4. Removal from office; or,
5. Disqualification to hold any office of trust, honor or profit under the state; or,
6. Other penal discipline.

All forms of punctuation, in sections like the preceding, are to be found in the Penal Code. The above has been adopted to secure uniformity.

1. § 1. New matter in the form adopted in Consolidated Laws.

2. § 2. Penal Code, §§ 3, 4, 5, 6, 29, 30, 34, combined in this section without other change.

3. § 3. Subdivisions 9-15. These subdivisions, which were a part of Penal Code, § 718, were repealed by Statutory Construction Law [L. 1892, Ch. 677, § 35]; subdivision 16, therefore, is renumbered 9.

4. Art. 2. As shown by the foot-notes, this article is a consolidation of the general provisions contained in the Penal Code. In the rearrangement no change has been made in the substance of the consolidated sections, and such changes in form as were necessitated by the consolidation and rearrangement are shown by bracketing and underscoring.

5. § 43. This provision which is a part of Penal Code, § 675, being general in scope, has been consolidated in Penal Law,

§ 43, the only change being a substitution of the word "chapter" for the word "code." The remainder of Penal Code, § 675, is consolidated in Penal Law, § 720.

6. § 71. In consolidating Penal Code, § 283, in this article the words applying the section to compulsory marriage and to rape have been bracketed, making the section relate solely to abduction. Section 283 also appears as § 533, Coercion, and as § 2013, Rape, with the words which do not relate to the subjects of those articles bracketed. It also appears in its original form in § 611, Conviction.

7. Art. 8. L. 1907, Ch. 583, consists of two sections, § 1 adding §§ 280a and 280b to Penal Code, and § 2 stating when act takes effect. Section 1 has been rearranged but without change in wording, except change of word "act" to "article," and in § 103 the change of "section" to "article." Section headings have been added.

8. § 140. Added by L. 1893, Ch. 708, § 1, and subd. 2 amended by L. 1895, Ch. 890, § 1. The section has been divided into sections which take the place of the subdivisions in the original section. The only changes made are shown by bracketing and underscoring. The date of the passage of the act consolidated is used in place of the words "the passage of this act."

9. § 163. The reference to Penal Code, § 468, contained in this section is an obvious error, as said § 468 relates to discharging firearms. Section 468d, consolidated in Penal Law, § 162, which relates to the assemblages of anarchists, is evidently intended. The reference to Penal Law has been changed to § 162.

10. §§ 180, 195, 196. Word "title" for which "article" is substituted referred to Title XVI, of the Penal Code, Cruelty to Animals. This title consisted of §§ 655-669, all of which are consolidated in Penal Law, Article 16, Animals.

11. § 182. Words inclosed in brackets in body of section are surplusage. "Definitions," § 180, subd. 1, defines the word "animal" as not including the human race, but including every other living creature.

12. § 185. Penal Code, § 655, with L. 1867, Ch. 375, § 10, added as new matter. L. 1867, Ch. 375, an act for more effectual prevention of cruelty to animals, consisted of ten sections. The following sections were carried into and covered by Penal Code: Section 1 in § 655; § 2 in § 665; § 3 in § 657; § 5 in § 659; § 7 in § 656; § 8 in § 668. These sections of the Penal Code are consolidated in Penal Law, Article 16, Animals. All of L. 1867, Ch. 375, except §§ 4 and 10, was specifically repealed by L. 1886, Ch. 593, § 1, ¶ 42. Section 4 excepted from repeal is not a penal provision and § 10, also excepted from repeal, applies

directly and is in qualification of the penal provision contained in Penal Code, § 655, and has been added thereto and consolidated in Penal Law, § 185.

13. § 220. Penal Code, §§ 492, 493, 494, combined in one section under heading "Definitions." No change made in substance or form other than the substitution of word "article," for "chapter." The chapter referred to is Ch. I of Tit. XV, Penal Code, Arson, consisting of §§ 486-495, all of which are consolidated in Penal Law, Art. 20, Arson.

14. § 273. Code Civil Procedure, §§ 70, 71, having been classified to Penal Law and taken out of the Code Civil Procedure, the reference to them has been bracketed out of Penal Code, § 148, which becomes § 273, Penal Law.

15. § 274-276. These sections are consolidated from Penal Code, §§ 136, 139, 140, and Code Civil Procedure, §§ 73-77. The sections of the Code Civil Procedure thus consolidated have been classified to Penal Law and taken out of Code Civil Procedure, thus making reference in the Penal Law to the cited sections of Code Civil Procedure improper and unmeaning. Section 136, Penal Code, has, therefore, been bracketed and its provisions, together with Code Civil Procedure, §§ 73, 74, 75, are consolidated in Penal Law, § 274. The provisions of Code Civil Procedure, § 75, have been used as the last paragraph of § 274. The substance of Penal Code, § 139, is entirely included in the language of Code Civil Procedure, § 75. Cited, § 139, Penal Code, is as follows: "*A person convicted of a violation of any of the three preceding sections, in addition to the punishment, by fine and imprisonment, prescribed therefor by this code, forfeits his office.*"

Of the "three preceding sections" [§§ 136, 137, 138, Penal Code], referred to in § 139, Penal Code, § 136 refers solely to attorneys, and §§ 137, 138 entirely to justices of the peace and constables, and these last two sections have been consolidated in Art. 172, Public Offices and Officers, §§ 1852, 1853. Penal Code, § 139, is also consolidated therein, § 1854.

§ 275. Is a consolidation of Penal Code, § 140, and Code Civil Procedure, § 76. The wording of the section, in the first line, "three sections do," has been changed to "section does," for the reason that the "three sections" referred to [§§ 73, 74, 75] are consolidated in § 274, Penal Law, which is the section referred to in § 275, Penal Law. This section [275] includes Penal Code, § 140, so far as it is applicable to attorneys. The reference in Penal Code, § 140, to the "four preceding sections," is to Penal Code, §§ 136, 137, 138, 139. Of these sections, § 136 applied solely to attorneys; §§ 137, 138 applied entirely to justices of the peace and constables, and § 139 to attorneys, justices of the peace

and constables. Sections 137, 138, 139 and 140 have been consolidated in Art. 172, Public Offices and Officers, §§ 1852, 1853, 1854 and 1855.

§ 276. Is consolidated from Code Civil Procedure, § 77. The only change made is that shown by the bracketing of the word "four" in the first line, and the insertion of the word "two" in place thereof. The "four" sections referred to in Code Civil Procedure are §§ 73-76. Of these sections, §§ 73, 74, 75 are found in § 274 and § 76 in § 275, Penal Law.

16. § 278. Penal Code, § 670 without change. This covers same substance as Code Civil Procedure, §§ 78, 79 and a part of § 80. The new matter is that part of Code Civil Procedure not included in Penal Code, § 670. The sections of Code Civil Procedure above mentioned have been taken therefrom and classified to Penal Law.

17. § 279. The provisions of Code Civil Procedure, §§ 78-80, having been consolidated in § 278, as shown by the last note, the reference to them has been bracketed. The reference to Code Civil Procedure, § 81, has also been included in the bracketed portion as its provisions are covered by § 279, Penal Law.

18. § 324. This is Code Civil Procedure, § 1900, the penal portions of which have been classified to Penal Law. The part not consolidated in Penal Law, § 324, is consolidated in Civil Rights Law.

19. § 367. Penal Code, § 634a. Reference to Domestic Commerce Law changed to § 398, General Business Law, that being the title of the Consolidated Law which covers the "old" Domestic Commerce Law.

20. § 380. Penal Code, § 81, with reference to "chapter" changed to "article." The "chapter" referred to is Ch. I, Tit. VIII, Penal Code, §§ 71-81. These sections are consolidated in Art. 36, Penal Law, except § 76, which is consolidated in Art. 116, Juries and Jurors, as § 1231, and § 77, which is consolidated in Art. 168, Public Justice, § 1792.

21. § 382. Penal Code, § 72, consolidated without change, except bracketing words "Titles VI and VII of this Code," and inserting, as new matter, the proper references to the Penal Law. Penal Code, Tit. VI, Of Crimes Against the Executive Power of the State, consisted of §§ 42-48, 48a, 48b, 48c, 49-58. Of these sections, §§ 42-48a, 48b, 49-58 are consolidated in Penal Law, Art. 170, Public Offices and Officers, §§ 1820-1837; and § 48c is consolidated in Art. 206, Taxes, § 2320. Penal Code, Tit. VII, Of Crimes Against the Legislative Power, consisted of §§ 59-70, which are consolidated in Penal Law, Art. 122, Legislature, §§ 1290-1301.

22. § 386. Penal Code, § 78, consolidated without change, except bracketing words "Title VI, Title VII and § 71 of Title VIII of this Code," and inserting, as new matter, the proper references to Penal Law. The disposition of Penal Code Titles VI and VII in Penal Law is shown in the preceding note. Section 71 of Title VIII is consolidated in Penal Law, Art. 36, § 381.

23. § 401. Penal Code, § 503, consolidated without change, except bracketing word "chapter" in last line and inserting, as new matter, the word "article." The "chapter" referred to in Penal Code, § 503, was Ch. II, of Tit. XV, Of Crimes Against Property, and consisted of §§ 496–508. These sections are consolidated in Penal Law, Art. 38, Burglary, §§ 400–408.

24. § 420. Penal Code, § 365, without change, except bracketing word "title," and inserting, as new matter, the word "article." The word "title" referred to Penal Code, Tit. XI, Of Other Offences. The sections in that title in which "the expression 'articles of merchandise'" is used are §§ 364, 364a, 364b, 364c, 364d, 364e, 364f, 364g, 364h, 364j (all of which are consolidated in Penal Law, Art. 40, Business and Trade), and in §§ 366, 367. The last two sections have been consolidated in Penal Law, Art. 208, Trade-Marks, §§ 2350, 2351, and the definition of "articles of merchandise" has there been repeated.

25. § 433. Penal Code, § 384d, consolidated without change, except the insertion of the proper reference to General Business Law, that being the title of the Consolidated Law which covers the "old" Domestic Commerce Law.

26. § 440, subd. 2. Changes shown by bracketing and the insertion of new matter made necessary to preserve the penalty against offenders who have violated the provisions of the section between September 1, 1900, and the enactment of Penal Law.

27. § 480. Changes shown in first paragraph by bracketing and underscoring made to provide proper reference to sections of Penal Law. The second paragraph does not appear in the Penal Code, but as it is a part of L. 1905, Ch. 168, and qualifies the first paragraph, it has been inserted as new matter. See 112 A. D. 722.

28. § 483. In the third subdivision the word "chapter" has been bracketed and the word "article" inserted as new matter. The "chapter" referred to is Penal Code, Tit. X, Ch. 3, consisting of §§ 287, 287a, 288–292, 292a, 292b, 293, all of which, except § 292b, are consolidated in Penal Law, Art. 44, Children. Section 292b will be found in Penal Law, Art. 18, Apprentices, § 210.

29. §§ 486, 487. The subdivisions of this section have been rearranged. Subdivision 7 has been made into a section under the heading Children's Courts. Penal Code, § 291, which is §§ 486, 487, Penal Law, as shown by the foot notes, was several times amended and added to. The rearrangement is made for the better reading and sequence of the various subdivisions. No changes have been made in the substance other than those shown by brackets and underscoring.

30. §§ 490, 491. Penal Code, § 293, divided into two sections for better form. No changes have been made in substance, except those shown by brackets and underscoring. As to the change of the word "chapter" to "article," see note 28.

30a. § 531. See *People v. Marcus*, 185 N. Y. 257.

31. § 533. That part of Penal Code, § 283, which provides that no conviction for compulsory marriage can be had on the unsupported testimony of the female compelled, is added to this article. That part of Penal Code, § 283, which applies to abduction and rape or defilement, is consolidated in Art. 4, Abduction, § 71; Art. 180, Rape, § 2013, and the entire section in Art. 60, Conviction, § 611.

32. § 552. Subd. 2. It will be noted that this subdivision consists of a single sentence of over 250 words. No attempt has been made to rewrite or punctuate it for the reason that it would possibly result in "new law." This entire section is consolidated without change, except the substitution of the word "section" for "act."

33. § 611. Penal Code, §§ 283, 286, combined. The changes made necessary are shown by brackets and underscoring.

34. § 620. Penal Code, § 384b, consolidated without change, except when made necessary to give proper reference to Art. 12, Labor Law.

35. § 643. Penal Code, §§ 716, 717, consolidated into one section without change, other than necessary by the consolidation, and which appears by the brackets.

36. § 662. Bracketed words and underscored new matter in subdivision 1 correct obvious grammatical errors.

37. § 664. Penal Code, §§ 594 and 610, consolidated in one section. Both sections are from Penal Code, Tit. XV, Ch. XI, Fraudulent Insolvencies by Corporations, and Other Frauds in their Management. As consolidated, subds. 1-5 apply to directors, and subds. 6, 7 to directors and officers.

38. § 666. Words "at the time of the passage of this act," bracketed, and the date of the passage of the act, "on April twenty-ninth, nineteen hundred and four," inserted as new matter.

39. § 667. Penal Code, § 614, Tit. XV, Ch. XI. This

chapter consisted of §§ 590-614. Of these §§ 590-594, 608, 610-614 are consolidated in this article; the remainder of the sections are consolidated in Penal Law, Art. 28, Banking. The change of the word "chapter" to "article," and the addition of the words "and article twenty-eight" as new matter, are necessary to make provisions of § 667, Penal Law, apply to the same provisions in Penal Law that Penal Code, § 614, did to the provisions in the Penal Code.

40. § 711. Penal Code, § 453. Word "title" changed to "article." The title referred to is Penal Code, Tit. XIII, Of Crimes Against the Public Peace. The "assemblage of persons masked" prohibited by Penal Code, § 453, is contained in Penal Code, Tit. XIII, § 452, which is consolidated in Penal Law, Art. 68, Disguises.

41. § 720. Penal Code, § 675. The portion relating to disorderly conduct consolidated in Penal Law, Art. 70, Disorderly Conduct, § 720. The remainder of Penal Code, § 675, which prescribes the penalty for acts for which no punishment is expressly provided, is consolidated in Penal Law, Art. 2, General Provisions, § 43.

42. §§ 735, 737. Word "chapter" changed to "article." The "chapter" referred to is Penal Code, Tit. IX, Ch. VII, Duels and Challenges, §§ 234-241. All of these sections are consolidated in Penal Law, Art. 72, Dueling.

43. § 750. Penal Code, § 41zzz. Words "title five" changed to "this article." "Title five" referred to is Penal Code, Tit. V, Of Crimes Against the Elective Franchise, all of which is consolidated in Penal Law, Art. 74, Elective Franchise, Penal Code, § 41zzz, is the last section in Tit. V, and the words "in any of the *foregoing* sections of title five" referred to the whole of Tit. V. The new matter inserted makes no change in the application of the section consolidated.

44. § 751. The word "primary" has been bracketed. The "old" Primary Election Law has been included in the Consolidated Election Law and the reference in Penal Law, § 751, to Election Law, does not change the provisions of Penal Code, § 41, either in substance or effect.

45. § 770. Word "title" changed to "article." For reason see note 43.

46. § 780. Reference to § 41n of "this act," changed to make reference apply to Penal Law. Section 41n of "this act" is consolidated in Penal Law, § 767.

47. § 781. See note 46. Reference to Election Law changed to accord with facts, § 200 of Election Law being § 540 of Consolidated Election Law.

48. § 782. Word "title" changed to "article." For reason see note 43.

49. § 857. Word "chapter" bracketed and "article or of section five hundred and fifty-one" inserted as new matter. The chapter referred to in Penal Code, § 560, is Tit. XV, Ch. V, Extortion and Oppression, and consisted of §§ 552-561. These sections, except § 559, are consolidated in Penal Law, §§ 850-858; § 559 is consolidated in Penal Law, Art. 50, § 551.

50. § 858. Word "chapter" bracketed and words "the foregoing sections of," and "article, and in section five hundred and fifty-one," added as new matter. For reason for inserting new matter in last-above quotation, see note 49. The words "the foregoing sections of" are inserted because Penal Code, §§ 25 and 127, have been consolidated in Penal Law, Art. 80, Extortion and Threats, as §§ 859, 860, and the provisions contained in Penal Law, § 858, do not apply to §§ 859, 860.

51. § 880. Word "chapter" bracketed and word "article" inserted as new matter. The "chapter" referred to is Penal Code, Tit. XV, Ch. III, Forgery, consisting of §§ 509-527, all of which are consolidated in Penal Law, Art. 84, Forgery, §§ 880-895.

52. § 887. Penal Code, §§ 511, 512, are combined. The context shows the intimate relation of the two sections. No changes have been made except those shown by bracketing and underscoring.

53. § 890. Words "this title," bracketed and the specific reference to the section which prescribes the punishment for forgery in the third degree inserted as new matter.

54. §§ 973, 977, 978, 997. Word "chapter" bracketed and word "article" inserted as new matter. The "chapter" referred to is Penal Code, Tit. X, Ch. IX, Gaming, all the sections of which are consolidated in Penal Law, Art. 88, Gambling.

55. § 975. The reference to Penal Code, § 341a, contained in this section is an obvious error. There is no § 341a in the Penal Code. There is a § 344a, consolidated in Penal Law, § 974, which relates to policy playing. The reference in Penal Law has been made to § 974.

56. § 996. For change of "chapter" to "article" see note 54. In paragraph 2 the changes shown by bracketing and underscoring are made necessary by the consolidation of R. S., Pt. 1, Ch. 20, Tit. 8, Art. 3, § 21, in the Penal Law. The Art. 3 of R. S. referred to is entitled, "Of Betting and Gaming," and consisted of §§ 8-21. Of these sections, §§ 8, 9, 10 are consolidated in Penal Law, § 8 being §§ 991, 992; § 9 being § 994 and § 10 in § 973 last paragraph, it having been contained in Penal

Code, § 343. Sections 11–13 have been repealed. Sections 14 and 15 are consolidated in Penal Law, § 995, and §§ 16, 17 are consolidated in Penal Law, § 993. Sections 18, 19 have been repealed. Section 20 is dependent on § 19 and became nugatory on the repeal of § 19.

57. § 1052. Word “chapter” changed to “article.” The “chapter” referred to is Penal Code, Tit. IX, Ch. II, Homicide, consisting of §§ 179–183, 183a, 184–205, all of which are consolidated in Penal Law, Art. 94, Homicide.

58. § 1082. Provisions of L. 1893, Ch. 296, inserted as new matter without change of effect, as § 1082. Comparison with § 1081 will show the identity of the two sections, except punishment and payment of fine imposed.

59. § 1144. Word “chapter” bracketed. The “chapter” referred to is Penal Code, Tit. X, Ch. VII, Indecent Exposures, Obscene Exhibitions, Books and Prints, and Bawdy and Other Disorderly Houses, consisting of §§ 316–322. These sections are all consolidated in Penal Law, Art. 106, Indecency. The exception of § 1140 from the provisions of § 1144 should be made for reasons which a reading of § 1140 will make obvious. To seize, and on conviction to destroy “any of the articles specified” in § 1140, would be in contravention of Constitution, Art. 1, § 5, which provides that cruel and inhuman punishments shall not be inflicted.

60. § 1145. For reasons for bracketing word “chapter” and inserting “article” as new matter, see note 58.

61. Art. 116. This article *includes* the provisions of Penal Code which directly relate to the drawing and formation of juries, and *excludes* provisions which relate to the bribery and corruption of jurors, and provisions relating to juries and jurors after drawing and formation.

62. § 1230. This section, with the words “this chapter” bracketed and the words “section twelve hundred and thirty-one of this article” inserted as new matter, is consolidated from Tit. VIII, Ch. I, § 81, Penal Code. Penal Code, § 81, applied to Penal Code, § 76, which is consolidated in Penal Law, Art. 116, Juries and Jurors, § 1231, and for that reason § 81 [Penal Code], reworded as first-above mentioned, is consolidated here.

63. § 1271. Reference to Labor Law, § 6, and to Labor Law, Art. 1, changed to § 5 and to Art. 2. Section 6, Labor Law, is § 5 of Consolidated Labor Law, and Art. 1, Labor Law, is Art. 2 of Consolidated Labor Law. Subdivision 4 of § 1271 was amended by L. 1907, Ch. 523, § 1; but the paragraph as so amended does not go into effect until March 4, 1908. This amendment is as follows:

4. Who shall require or permit any employee engaged in or connected with the movement of any train of a corporation operating a line of railroad of thirty miles in length, or over, in whole or in part within this state, to remain on duty more than sixteen consecutive hours; or to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours off duty; or to require or permit any such employee who has been on duty sixteen hours in the aggregate in any twenty-four hour period, to continue on duty or to go on duty without having had at least eight hours off duty within such twenty-four hour period; except when by casualty occurring after such employee has started on his trip, or by unknown casualty occurring before he started on his trip, and except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal, is guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five hundred nor more than one thousand dollars for each offense. If any contractor with the state or a municipal corporation shall require more than eight hours for a day's labor, upon conviction therefor in addition to such fine, the contract shall be forfeited at the option of the municipal corporation.

64. §§ 1272, 1276, 1277. Article 1 of Labor Law is Art. 2 of Consolidated Labor Law. Change made in article numbers to accord with above.

65. § 1275. Articles 2 and 3 of Labor Law are articles 3 and 4 of Consolidated Labor Law. The changes in subdivisions 1 and 2 are accordingly made. In subdivision 6, "confectionery establishments" changed to "confectioneries," to follow the like change in Consolidated Labor Law.

66. § 384m. Illegal practice of horseshoeing. Section has been bracketed. This section is dependent on Labor Law, Art. 13, Examination and Registration of Horseshoers, which was held to be unconstitutional. See 166 N. Y. 144.

67. § 1301. Word "chapter" bracketed and word "article" inserted as new matter. The "chapter" referred to is Penal Code, Tit. VII, Of Crimes Against the Legislative Power, consisting of §§ 59-70. All of these sections are consolidated in Penal Law, Art. 122, Legislature.

68. § 1329. Word "chapter" bracketed and word "article" inserted as new matter. The "chapter" referred to is Penal Code, Tit. IX, Ch. VIII, Libel, consisting of §§ 242-254a. All of these sections are consolidated in Penal Law, Art. 124, Libel.

69. § 1376. Word "chapter" bracketed and word "article" inserted as new matter. The "chapter" referred to is Penal

Code, Tit. X, Ch. VIII, Lotteries, consisting of §§ 323-335, 335a. All of these sections, except § 335a, have been consolidated in Penal Law, Art. 130, Lotteries. Section 335a has been declared unconstitutional. See 109 N. Y. 389.

70. §§ 1380, 1381, 1382. Word "chapter" bracketed and word "article" inserted as new matter. See note 69.

71. § 1384. Words "forbidden by law" bracketed. Section 1371 declares "a lottery is unlawful and a public nuisance." Words "founded upon this statute" are redundant and useless.

72. § 1385. Words "not authorized by the laws of this state," bracketed. See note 71. "Are" changed to "is" for grammatical construction.

73. § 1435. L. 1905, Ch. 380, recites the U. S. Act, passed February 10, 1807, and "the supplements thereto," and which are the authority under which the U. S. Coast and Geodetic Survey is conducted. The bracketing and new matter inserted is for the purpose of making the reference to the U. S. statute specific.

74. § 1484. Word "code" bracketed and "law" inserted as new matter, Military Law being the title used in the consolidated law in place of Military Code.

75. § 1500. Words "Is guilty of a misdemeanor," following paragraph 11, are bracketed because they follow at the end of the section.

76. § 1562. Penal Code, §§ 615, 616. Bracketed portions have been declared unconstitutional. See 157 N. Y. 116. The concluding portion of § 616, not being involved in the question of constitutionality, is consolidated in Penal Law, § 1562.

77. Penal Code, §§ 617-620. These sections are regarded by the consolidator as dependent on Penal Code, §§ 615, 616, and follow the disposition of those sections as shown by note 76.

78. §§ 1567, 1568, 1569. Word "chapter" bracketed and word "article" inserted as new matter. The "chapter" referred to is Penal Code, Tit. XV, Ch. XII, Frauds in the Sale of Passage Tickets; all the live sections of that chapter have been consolidated in Penal Law, Art. 152, Passage Tickets.

79. § 1625. Word "chapter" bracketed and word "article" inserted as new matter. The "chapter" referred to is Penal Code, Tit. VIII, Ch. V, Perjury and Subornation of Perjury, consisting of §§ 96-106, all of which are consolidated in Penal Law, Art. 158, Perjury and Subornation of Perjury.

80. § 1690. Word "chapter" bracketed and word "article" inserted as new matter. The "chapter" referred to is Penal Code, Tit. VIII, Ch. III, Escapes and Aiding Therein, consisting of §§ 84-93. All of these sections are consolidated in Penal Law, Art. 162, Prisoners. Other sections of the Penal Code are con-

solidated in Art. 162, but in none of them are the terms "prison" and "prisoner" used, except § 160, which is consolidated in Penal Law, § 1691, and in that section the context supplies a definition which comes within the definitions in § 1690.

81. § 1713. Word "title" bracketed and the word "article" inserted as new matter. The "title" referred to is Penal Code, Tit. XIII, Of Crimes Against the Public Peace. Sections 458-464 are consolidated in and constitute Penal Law, Art. 164, Prize-fighting and Sparring. It is to be noted that the provisions of Penal Code, § 461, are made applicable to a person who leaves the state with intent to elude any provision of this title, or to commit any act without the state which is prohibited by this title * * * who does any act without the state which would be punishable by the provisions of this title * * is guilty of the same offense * * * as if the act had been committed within this state. This is in the Penal Code, L. 1881, Ch. 676, and the "title" referred to is Tit. XIII, Of Crimes Against the Public Peace. This title in the Penal Code as it now exists is Penal Code, §§ 448-468, 468a, 468b, 468c, 468d, 468e, 469. These sections have been consolidated in Penal Law, as follows:

§ 448 in Art. 140, Meetings.

§§ 449-451 in Art. 188, Riots and Unlawful Assemblies.

§§ 452, 453 in Art. 68, Disguises.

§§ 454-456 in Art. 188, Riots and Unlawful Assemblies.

§ 457 in Art. 168, Public Justice.

§§ 458-464 in Art. 164, Prize-fighting and Sparring.

§§ 465-467 in Art. 182, Real Property.

§ 468 in Art. 172, Public Safety.

§§ 468a, 468b, 468c, 468d, 468e in Art. 14, Anarchy.

§ 469 in Art. 188, Riots and Unlawful Assemblies.

Penal Code, § 461, has, therefore, been consolidated as a part of the above-mentioned articles of Penal Law, with the changes in wording made necessary by the consolidation.

82. § 1742. New matter inserted is L. 1907, Ch. 649, § 2. The words in brackets have been made definite by the insertion of the dates when the act consolidated was passed and when it took effect.

83. § 1748. The section has been rearranged to place "shall be deemed guilty of a misdemeanor" at the end of the section. Reference to Domestic Commerce Law changed to the proper section of General Business Law.

84. § 1763. The provisions of L. 1898, Ch. 555, have been consolidated in Consolidated Public Health Law, except § 10,

relating to penalty for violations of the statute. The excepted section is inserted in Penal Law as new matter, with such changes in wording as are made necessary by the consolidation.

85. § 1787, Par. 2. Penal Code, § 461, added for reasons given in note 81. **Par. 3,** Penal Code, § 469, added for reasons given in note 98.

86. § 1792. Penal Code, § 81, applied to § 77. The last named section being consolidated in Penal Law, § 1792, Penal Code, § 81, is added as last paragraph. Word "chapter" changed to "section" to make reference proper. See also note 63.

87. § 1828. Word "keeper" bracketed. The office of keeper was abolished by L. 1904, Ch. 709, § 4.

88. § 1837. Words "this chapter" bracketed and words "the preceding sections of this article" inserted as new matter. The "chapter" referred to is Penal Code, Tit. VI, Of Crimes Against the Executive Power of the State, consisting of §§ 42-48, 48a, 48b, 48c, 49-58. These sections, excepting § 48c, are consolidated in §§ 1820-1837, Penal Law, and § 1837 refers to the sections preceding it in Art. 170.

89. § 1842. L. 1893, Ch. 692, § 2, adds to Penal Code, § 177a. This is an obvious error as Penal Code, §§ 177, 178, both relate to suicide. Section 117, however, is contained in the chapter of Penal Code relating to "Other Offenses Against Public Justice." The section added as stated above has been consolidated in Penal Law, § 1842.

90. § 1845. Penal Code, § 119, containing two distinct subjects, has been divided into two sections and consolidated in Penal Law, §§ 1845, 1846. The words "A violation of the provisions of this section is a misdemeanor," have been added as new matter. Penal Code, § 119, contained that matter, and a division of the section requires it to appear in each of the sections into which § 119 is divided.

91. § 1846. Words "or any person who knowingly violates any other provision of this section," bracketed. The "other provisions" are contained in § 1845. Matter which excepts certain provisions from the operation of the section has been bracketed and new matter introduced which continues the same exceptions, but recites the statutes which now contain the excepted provisions. Of the statutes named in that part of Penal Code, § 119, which is made § 1846 of the Penal Law, the following disposition is shown:

Code Criminal Procedure, §§ 102, 104, 169, 895, 896, 897, remain in Code Criminal Procedure.

L. 1863, Ch. 346; L. 1866, Ch. 259; L. 1875, Ch. 193 and L. 1880, Ch. 223, all related to special policeman for railroads and all were repealed by L. 1890, Ch. 565, § 180 and L. 1892, Ch.

687, § 34. Their live provisions were covered by the "old" Railroad Law, § 58, and have been consolidated in Railroad Law, § 90.

L. 1873, Ch. 527 and L. 1875, Ch. 205, incorporate New York Society for suppression of vice and authorize agents of society to make arrests. The section authorizing agents to make arrests is consolidated in Penal Law, § 1147.

92. § 1856. The portion of Penal Code, § 141, which is applicable to justices of the peace and to constables consolidated with the portion of same which applies to attorneys and counselors bracketed. The provisions of Penal Code, § 141, which relate to attorneys and counselors are consolidated in Art. 26, Attorneys, § 276.

93. § 1876. Words "foregoing" and "this title" bracketed and specific references made to the sections of the Consolidated Laws in which "the foregoing provisions of this title" are consolidated. The "foregoing provisions of this title" referred to are Code Civil Procedure, Ch. 2, Tit. 2, § 110-124.

94. § 1903. The first sentence of this section has been bracketed because the act passed May 19, 1879 [L. 1879, Ch. 324], was repealed by the Domestic Commerce Law, Ch. 34 of the General Laws, and there can be no violation now of a law repealed in 1896. The second sentence relates to the violation of [Domestic Commerce Law, § 26] General Business Law, § 306. This provision is almost identical with L. 1879, Ch. 324.

95. §§ 1980, 1981, 1987, 1988. References to "railroad commissioner" and "board of railroad commissioners" bracketed, and "public service commissioner" and "public service commissions" inserted as new matter. This follows L. 1907, Ch. 429 [The Public Service Commissions Law], § 86. "Whenever the terms board of railroad commissioners * * * occur in any law * * * such terms * * * shall be deemed to refer to and include the public service commissions * * *."

96. Penal Code, § 640e. This section and § 640d were added to Penal Code by L. 1901, Ch. 128. L. 1906, Ch. 516 is a repeal worded as follows: "Section 640d of the Penal Code, being Ch. 128 of the Laws of 1901, entitled 'An act to amend the penal code, in relation to unauthorized offers for sale of and unauthorized applications for loans upon real property,' is hereby repealed." This being a repeal of the statute which added §§ 640d, 640e to Penal Code, and also setting forth the subjects of both of those sections, is the reason for inclosing § 640e in brackets and omitting it from the consolidation.

97. § 2072. Reference to L. 1887, Ch. 479, retained although that statute was repealed by L. 1895, Ch. 570. The statute of 1887 prescribed the days on which racing might take place

on grounds of associations incorporated for improving the breed of horses. It also excepted the races held by those associations from the provisions of Penal Code, §§ 351, 352 [pool selling and racing animals for stakes]. It is possible that there exist associations incorporated at the time of the enactment of Penal Code, § 275, which are of right exempted from its provisions.

98. § 2097. The provisions of this section are by its terms made applicable to "any of the offenses specified in this title." The "title" referred to is Penal Code, Tit. XIII, Of Crimes Against the Public Peace, consisting of §§ 448–468, 468a, 468b, 468c, 468d, 468e, 469. These sections have been consolidated in Penal Law as follows:

§ 448 in Art. 140, Meetings.

§§ 449–451 in Art. 188, Riots and Unlawful Assemblies.

§§ 452, 453 in Art. 68, Disguises.

§§ 454–456 in Art. 188, Riots and Unlawful Assemblies.

§ 457 in Art. 168, Public Justice.

§§ 458–464 in Art. 164, Prize-fighting and Sparring.

§§ 465–467 in Art. 182, Real Property.

§ 468 in Art. 172, Public Safety.

§§ 468a, 468b, 468c, 468d, 468e in Art. 14, Anarchy.

§ 469 in Art. 188, Riots and Unlawful Assemblies.

Penal Code, § 469, has, therefore, been consolidated as a part of the above mentioned articles of Penal Law, with changes in wording made necessary by the consolidation.

99. §§ 2124, 2126. Word "chapter" bracketed and word "article" inserted as new matter. The chapter referred to is Penal Code, Tit. IX, Ch. VI, consisting of §§ 224–233, all of which are consolidated in Penal Law, Art. 190, Robbery.

100. § 2149. Word "chapter" bracketed and word "article" inserted as new matter. The "chapter" referred to is Penal Code, Tit. X, Ch. I, consisting of §§ 255–277. Of these sections, §§ 255–258 were repealed by L. 1882, Ch. 384, § 371; §§ 259–271, 276, 277 are consolidated in Penal Law, Art. 192, Sabbath; §§ 272–275 are consolidated in Penal Law, Art. 186, Religion. All of the sections of Penal Code above named, which relate to the sale of property and commodities on the first day of the week, are consolidated in Penal Law, Art. 192, Sabbath. Words "or by a mayor * * * * of a city" bracketed. The section comes from R. S., Pt. 1, Ch. 20, T. 8, Art. 8, § 71, which was a revision of 2 R. L., [1813] Ch. 24 (p. 193), § 1, and that, in turn, came from L. 1801, Ch. 34, § 1. Code Criminal Procedure, § 146, defines a magistrate to be "an officer having power

to issue a warrant for the arrest of a person charged with a crime." The terms "police justice and magistrate" cover the offices named between brackets.

100a. § 2184. The territory included in the description, "the first, second or third judicial district," at the time of the last amendment of this section (April 26, 1904), now includes the first, second, third and ninth judicial districts. The second judicial district was divided by L. 1906, Ch. 294, § 1, and made the second and ninth districts. The boundaries of the first district were slightly altered by L. 1906, Ch. 285, § 1; no other changes have been made.

101. § 2191. Penal Code, § 696. Section divided and new head lines added for clearness in reading and facility in examination and reference.

102. § 2197. New matter. Words "county" and "mentioned in this act" bracketed and words "of Syracuse and Albany" inserted as new matter, to follow the wording of the statute consolidated, wherein the penitentiaries "mentioned in this act" are "of Syracuse and Albany."

103. § 2210. Penal Code, § 305. The specific affirmation of the personal right covered by this section suggests its classification to Civil Rights Law and its consolidation therein. As it was enacted in the Penal Code [L. 1881, Ch. 676, § 305] it is retained in Penal Law. Word "chapter" is bracketed and word "article" inserted as new matter. The "chapter" referred to is Penal Code, Tit. X, Ch. VI, Violating Sepulture and the Remains of the Dead, consisting of §§ 305-315, all of which are consolidated in Penal Law, Art. 198, Sepulture.

104. § 2215. Word "chapter" bracketed and "article" inserted as new matter. The "chapter" referred to is Penal Code, Tit. X, Ch. VI, Violating Sepulture and the Remains of the Dead. Said chapter consisted of §§ 305-315, all of which are consolidated in Penal Law, Art. 198, Sepulture.

105. §§ 2261, 2262, 2272, 2278. Word "chapter" bracketed and word "article" inserted as new matter. The "chapter" referred to is Penal Code, Tit. XV, Ch. IV, consisting of §§ 528-551. All of these sections, except §§ 538, 544, are consolidated in Penal Law, Art. 202, Stealing. Section 538 is consolidated in Penal Law, § 2480, and § 544 is consolidated in Penal Law, §§ 442, 947. Neither § 338 nor § 544 contains provisions to which §§ 2261, 2262, Penal Law are applicable.

106. §§ 2264, 2266. Word "chapter" bracketed and words "article and in section twenty-four hundred and eighty" inserted as new matter. The "chapter" referred to is Penal

Code, Tit. XV, Ch. IV, §§ 528-551. All of these sections, except §§ 538, 544, are consolidated in Penal Law, Art. 202, Stealing. Section 538 is consolidated in Penal Law, § 2480; it relates to wrecks and the provisions of Penal Law, § 2264, are applicable to it. Section 544, Penal Code, is consolidated in Penal Law, §§ 442, 947, and the provisions of Penal Law, § 2264, are not applicable to either.

107. Penal Code, § 173, which asserts that no forfeiture is imposed in the case of suicide, is covered in terms by Penal Code, § 710, which is consolidated in Penal Law, § 512. It is, therefore, bracketed.

108. §§ 2355-2357. Penal Code, §§ 369, 370, 371. These sections were first enacted by L. 1881, Ch. 676, § 369 [Penal Code]. It provided that when a person engaged in bottling or selling in bottles * * * has filed and published in the manner authorized by law a description of a name * * * every other person who * * * refills * * * is liable to a penalty * * *.

Prior to the enactment of the above the following statutes relating to trade marks had been enacted:

L. 1862, Ch. 306, to punish fraud in the use of false stamps, brands, labels and trade marks.

L. 1863, Ch. 209, amending last above.

L. 1878, Ch. 401, supplementary to L. 1862, Ch. 306.

These statutes were covered by L. 1881, Ch. 676, §§ 364, 365, 366, 367, 368, all of which relate to the fraudulent use of trade marks; but none of them providing for a penalty for "refilling." To cover this § 369 was enacted. Up to this point it does not appear that any statutory provision existed providing how a trade mark might be secured and registered.

L. 1882, Ch. 384 amended many of the provisions of the Penal Code and among them § 369, the amendment being the addition of provisions directing how a trade mark for the articles enumerated in the section might be secured and registered.

The provisions of Penal Code, § 369, as amended by L. 1882, Ch. 384, so far as they related to manner of securing and registering a trade mark for the articles named therein, were superseded by L. 1887, Ch. 377, "An act to protect the owners of bottles, boxes, siphons and kegs used in the sale of soda water * * * or other beverages." This statute also provided a penalty for refilling the receptacles or defacing * * * or otherwise removing or concealing the marks thereon. Section 6 of this statute provided: "All acts and parts of acts inconsistent herewith are for the purpose of this act hereby repealed."

L. 1888, Ch. 181 amended L. 1887, Ch. 377.

L. 1906, Ch. 933, entitled, "An act to protect the owners of bottles, * * * * used in the sale of soda waters * * * * or other beverages or medicines * * * * compounds or mixtures," is along the line covered by L. 1887, Ch. 377 and L. 1888, Ch. 181, and § 7 provided: "All acts and parts of acts inconsistent herewith are for the purpose of this act hereby repealed."

L. 1904, Ch. 548, an act for the better protection of owners of certain signs and utensils, provided for the securing of trade marks for ice cream, confectionery, charlotte russe, cakes and jellies. It also provided for penalties for unauthorized using of such trade marks.

These statutes, L. 1896, Ch. 933 and L. 1904, Ch. 548, are consolidated in General Business Law [Domestic Commerce Law] in Art. 24, Trade Marks.

Penal Code, §§ 369, 370 and 371, was amended by L. 1904, Ch. 494, § 1.

The suggestion is advanced that L. 1904, Ch. 494, should be classified to and consolidated in General Business Law, Art. 24, Trade Marks.

109. § 2370. This section has been declared unconstitutional. See *People ex rel Madden v. Dycker*, 72 A. D. 309.

110. § 2410. Words "domestic commerce" bracketed and words "general business" inserted as new matter, because the Domestic Commerce Law has been consolidated in General Business Law.

111. Penal Code § 335a. This section has been declared unconstitutional. See *People v. Gilson*, 109 N. Y. 389.

112. Penal Code § 384m. Relates to illegal practice of horseshoeing. L. 1897, Ch. 415, §§ 180-184, as amended by L. 1899, Ch. 558, § 1, relating to "Examination and registration of horseshoers," were repealed by L. 1907, Ch. 83, § 1. Penal Code § 384m, being dependent on the sections repealed, became obsolete upon their repeal.

NOTES TO SCHEDULE

When a statute has been specifically repealed, that and the repealing statute are given without an explanatory note.

200. R. S., Pt. 1, Ch. 20, Tit. 8, Art. 2. Consists of §§ 3–7. Section 3 relates to the discharge of fireworks on certain days without the order of an officer of the militia, obsolete. Section 4 is repealed as appears in the schedule. Section 5 makes it the duty of certain officers to destroy gambling devices exposed or possessed contrary to law, covered by Penal Code, §§ 345, 346, which are consolidated in Penal Law, §§ 977, 978. Sections 6, 7 prohibit cock fighting and gambling in places where liquors are sold and in vessels which navigate waters “within the state.” Provisions relating to gambling covered by Liquor Tax Law, § 21, Subd. 7; regarding cock fighting, Penal Code, §§ 664, 665, which are consolidated in Penal Law, §§ 181, 182.

201. R. S., Pt. 1, Ch. 20, Tit. 8, Art. 3. Consists of §§ 8–21. Sections 11–13, 18, 19 are repealed as appears in the schedule. Sections 8, 9 are consolidated in Penal Law, §§ 991, 992, 994. Section 10 is covered by Penal Code, § 343, which is consolidated in Penal Law, § 973. Sections 14–17 are consolidated in Penal Law, §§ 993, 995. Section 20 is dependent on § 19. Section 21 is consolidated in Penal Law, § 996.

202. R. S., Pt. 1, Ch. 20, Tit. 8, Art. 4. Consists of §§ 22–54. Sections 22, 23, 26–31, 34–37 are repealed as appears in the schedule. Sections 24, 25 are consolidated in Penal Law, §§ 1386, 1383. Section 32 in § 1383. Sections 33, 38 in §§ 1384, 1385. Sections 39–54, which relate to the management of lotteries, abrogated by Constitution, Art. 1, § 9.

203. R. S., Pt. 1, Ch. 20, Tit. 8, Art. 5. Relates to horse racing. Consists of §§ 55–60. Sections 55 and 60 repealed as shown in schedule. Sections 56–59 are covered and superseded by Penal Code, §§ 351, 352 and by L. 1895, Ch. 570. Penal Code, §§ 351, 352 are consolidated in Penal Law, §§ 986, 987; L. 1895, Ch. 570, consolidated in Membership Corporations Law, Art. 19.

204. The following statutes have been amended so as to read as follows, and are superseded and repealed by the amending statutes:

			Laws.	Chap.	Sec.
R. S., Pt. 4, Ch. 1, Tit. 1, §§ 1,					192, 193, subd.
4, 5.					2; 202, 206,
R. S., Pt. 4, Ch. 1, Tit. 2, §§ 9,					211, subds. 2,
27.					3; 218, 220,
R. S., Pt. 4, Ch. 1, Tit. 3, §§ 7,					221, 231, 232,
9, 17, 59, 62.					234, 263-270,
R. S., Pt. 4, Ch. 1, Tit. 4, §§ 5,					275-278, 281-
9, 10, 13-15.					283, 287-293,
R. S., Pt. 4, Ch. 1, Tit. 5, § 13.					303, 308, 317,,
R. S., Pt. 4, Ch. 1, Tit. 6, §§ 2,					318, 322, 342,
26, 27, 35, 36.					343, 351, 355,
R. S., Pt. 4, Ch. 1, Tit. 7, §§ 3,					364-371, 372,
subd. 1; 17.					376, 378, 382--
					384, 385, subd.
Laws.	Chap.	Sec.			3; 388, 389,
1829	270	2			397, 398, 401,
1845	3	6			402, 404, 407,
1845	279	All			409, 410, 413-
1850	340	1			424, 426, 429,
1853	573	1			438, 442, 451,
1858	326	1, 3, 7			458, 468, 473,
1860	103	7			489, 504, 507,
1862	197	6, 7			508, 514, 517,
1862	306	3			523, 524, 527,
1865	729	1			528, 533, 534,
1869	574	3			544, 550, 555,
1870	366	1			559, 564, 570,
1872	181	3			573, 576, 579,
1872	590	3			587, 590-593,
1872	747	1, 3			594, subd. 7;
1873	644	1			600-607, 609-
1874	209	2			614, 616, 618,
1875	97	2			621, 628, 629,
1877	261	1			635, 640-642,
1877	428	2			647-649, 651-
1879	403	1			654, 656, 661,
1881	676	12, 13, 19-21,			665, 666, 668,
		41, 42, 48, 51,			675, 686, 696-
		76, 106, 107,			701, 713, 718,
		109, 110, 119,			725, 727.
		123, 131, 138,			
		141, 145, 147,			
		160, 165, 170,			
		181, 183, 187,			
			1882	384	1, pt. amending
					L. 1881, Ch.
					676, §§ 119,

Laws.	Chap.	Sec.	Laws.	Chap.	Sec.
		278, 364, 367, 369-371, 572, 675.	1892	587	1
1883	302	1	1892	662	12
1883	358	4, 6	1892	692	1, pt. amending L. 1881, Ch. 676, §§ 413, 416, 418, 424, 577a, 593, 611, subds. 2-4; 613, subd. 2; 635, 640, subd. 8; 651.
1884	46	1-4, 5, pt. amending L. 1881, Ch. 676, § 291, subds. 5, 6; 6-8.			
1884	378	1	1892	693	1, pt. amending L. 1881, Ch. 676, §§ 41, 41a, 41b, 41c, 41d, 41e, 41g, 41i, 41k, 41m, 41o, 41p, 41q, 41r, 41t.
1884	380	1	1892	699	1
1885	348	6	1893	279	1
1885	513	1	1893	692	1, pt. amending L. 1881, Ch. 676, §§ 41c, 41r, 160, 651; 2, pt. amending L. 1881, Ch. 676, §§ 41k, subd. 18; 384b, 408a, 447a, 640, subd. 14; 674a.
1886	31	1-6			
1886	68	1	1894	77	2
1886	645	1	1894	164	1
1887	689	1	1894	282	1
1887	690	1	1894	426	2
1887	692	1, pt. amending L. 1881, Ch. 676, § 317, subd. 1.	1894	474	1
1887	693	1	1894	505	1
1888	144	1, 3	1894	551	1
1888	145	4	1894	714	2, 3, pt. amend- ing L. 1881, Ch. 676, § 41k, subd. 4; 4, 5, 7.
1888	219	1			
1888	490	5	1894	726	1
1888	491	1			
1888	493	1			
1889	140	1, 2			
1889	141	1			
1889	428	1			
1889	497	1			
1890	94	1			
1890	280	1			
1890	340	1			
1891	358	1			
1892	217	2			
1892	325	1, pt. amending L. 1881, Ch. 676, § 278, subd. 5; 2.			
1892	496	1			

Laws.	Chap.	Sec.	Laws.	Chap.	Sec.
1894	753	1	1899	184	1
1895	72	1	1899	530	1, pt. amending L. 1881, Ch. 676, § 41, subds. 2, 6, 10.
1895	155	1			
1895	287	1	1899	603	1
1895	460	2	1900	109	1
1895	572	1	1900	222	1
1895	721	1	1900	494	1
1895	726	1	1900	508	1
1895	727	1	1900	584	1
1895	823	1	1900	588	1
1895	883	1	1900	589	1
1895	885	1	1901	371	2, 3, 5, 7, 8, 11
1895	902	1	1901	425	1
1896	112	40	1902	103	1
1896	301	1	1902	266	1
1896	366	1	1902	282	1
1896	374	1	1903	272	1
1896	414	1	1903	380	1
1896	553	1	1905	80	1
1896	554	1	1905	442	1
1896	648	1	1905	625	14
1896	931	5	1905	655	4
1896	1002	1	1906	36	1
1897	255	1	1906	231	1
1897	416	3, pt. amending L. 1881, Ch. 676, §§ 384g, 384h, 384l.	1906	503	1
1898	165	4	1907	506	1, pt. amending L. 1881, Ch. 676, § 384h, subd. 4.
1898	197	1			
1898	394	1			
1899	12	1			

When the foregoing statutes have been amended "to read as follows," except the section "This act shall take effect immediately," this section is included in the word "All," under the heading "Statutes Hereby Repealed."

204a. L. 1779, Ch. 25, 2 session. Making counterfeiting and passing United States and State bills a felony without benefit of clergy. Obsolete. Counterfeiting money is covered by Penal Code, § 509, which is consolidated in Penal Law, § 884.

205. L. 1779, Ch. 19, 3 session. To prevent robberies within this State. Temporary and obsolete. The statute provides, § 6, "this act shall continue in force until forty days after the first day of the next meeting of a quorum of the legislature."

206. L. 1780, Ch. 48. Discharge of accessories on acquittal of principal. Self-limited to one year.

207. L. 1780, Ch. 56, § 6. Accessories to felony by aiding in commission of felony. Obsolete. Covered by Penal Code, §§ 29, 30, 32, 33, which are consolidated in Penal Law, § 2 and § 1934.

208. L. 1780, Ch. 64, § 7. Extending the provisions of L. 1779, Ch. 25. [Note 204a.] Obsolete. Counterfeiting money is covered by Penal Code, § 509, which is consolidated in Penal Law, § 884.

209. L. 1783, Ch. 22, § 6. Penalty for cock fighting and gambling in inns and taverns. Obsolete. Covered by Penal Code, §§ 336, 664, which are consolidated in Penal Law, §§ 971, 182.

210. L. 1783, Ch. 51. Repealing an act which revived an act for appointing commissioners for detecting and defeating conspiracies. The act revived was a temporary measure growing out of the Revolutionary War, and the repealing act of L. 1783, Ch. 51, also provided for the disposition of the forfeited recognizances in the hands of the commissioners, and for the arrest of persons coming "out of any place within the power of the enemy." Obsolete.

211. L. 1784, Ch. 27. Detecting and defeating conspiracies. Revolutionary War Act. Obsolete.

212. L. 1787, Ch. 21. Makes buggery a crime and prescribes a penalty. Covered by Penal Code, § 303, which is consolidated in Penal Law, § 690.

213. L. 1787, Ch. 26, § 6. Provides for punishment of persons who, not having the original writ or process authorizing the action, issue warrants for summons, or for arrest or attachment. Obsolete.

214. L. 1787, Ch. 65, §§ 1, 2, 9. Sections 1, 2, providing for whipping and corporal punishment for petit larceny and false pretenses. Part relating to whipping repealed as shown in schedule. Remainder of §§ 1, 2 and all of § 9, permitting a fine to be inflicted in place of corporal punishment, obsolete.

215. L. 1787, Ch. 97. An act to regulate the circulation of copper coin. Relates to circulation of debased copper coins other than those coined by the United States. Obsolete. United States Constitution, Art. 1, § 10, prohibits State from coining money.

216. L. 1788, Ch. 26. "Concerning prisoners breaking prison." Relates to punishment therefor. Covered by Penal Code, § 85, which is consolidated in Penal Law, § 1694. Obsolete.

217. L. 1788, Ch. 88. Defacing milestones. Covered by Penal Code, § 639, which is consolidated in Penal Law, § 1423.

218. L. 1792, Ch. 5, § 11. Relates to punishment for violation of the provisions of the statute cited which provides for the election of members of Congress. The entire statute expired by limitation with the taking of a census of the inhabitants of the State subsequent to 1792.

219. L. 1796, Ch. 30, §§ 1-13. All except §§ 1-13 were classified to the Prison Law and Criminal Code and are there disposed of. Sections 1, 2, 4, 6 were superseded by L. 1801, Ch. 58. Section 3 was superseded by L. 1801, Ch. 60, § 20; § 5 is a repeal; § 7 was superseded by L. 1801, Ch. 60, § 15; § 8 is a temporary provision and is now obsolete; §§ 9, 10 were superseded by L. 1801, Ch. 60, § 3; § 11 was superseded by L. 1801, Ch. 60, § 2; § 12 was superseded by L. 1801, Ch. 98, § 20; § 13 is a saving clause and temporary.

220. L. 1797, Ch. 62, § 10. Bribery and corrupt conduct at election of members of Congress. Entire statute superseded by R. A., Ch. 64 and repealed by L. 1801, Ch. 193. Provisions of § 10 superseded by R. A., Ch. 61, § 17 and repealed by L. 1801, Ch. 193.

221. L. 1800, Ch. 133, § 25. Provides how certain lotteries shall be drawn. Abrogated by Constitution, Art. 1, § 9, which forbids holding of lotteries.

222. L. 1807, Ch. 65, § 2. Penalty for taking down and defacing notice of sale of personal property. Covered by Code Civ. Pro., § 1385.

223. L. 1817, Ch. 86. Regulating lotteries. Abrogated by Constitution, Art. 1, § 9.

224. As the statutes covered by express repealing acts have been repealed by the Consolidated Laws, the repealing statutes have been recommended for repeal.

225. L. 1820, Ch. 28. Regulates lotteries. Abrogated by Constitution, Art. 1, § 9, which forbids lotteries.

226. L. 1820, Ch. 94. Regulating lotteries. Abrogated by Constitution, Art. 1, § 9, which forbids lotteries.

227. L. 1820, Ch. 197. Regulates lotteries. Partly repealed as appears in the schedule. Balance abrogated by Constitution, Art. 1, § 9.

228. L. 1821, Ch. 193. Horse racing. Self-limited to a period of five years. Obsolete.

229. L. 1822, Ch. 71, §§ 1-6. To facilitate the drawing of lotteries and bringing the same to a close. Prohibits lotteries and sale of tickets in lotteries, except those authorized by the Legislature. Also prohibits insurance of lottery tickets. Penal Code, §§ 323-335, covers the same subject by prohibiting all lotteries. These provisions are consolidated in Penal Law, Art. 130, Lotteries.

230. L. 1822, Ch. 163. An act to limit the continuance of lotteries. Applies to lottery grant of 1814 for the promotion of literature. Obsolete.

231. L. 1826, Ch. 108. Extends L. 1821, Ch. 193 for a period of ten years. Expired.

231a. L. 1829, Ch. 270. Section 2 was amended to read as follows, as appears in the schedule. Section 1 relates to the leasing of buildings in New York city and county and Brooklyn village for the purpose of holding masquerades. Superseded by Penal Code, § 453.

232. L. 1833, Ch. 306. Making it unlawful to draw any lottery after January 1, 1834. Obsolete. Provision of Constitution, Art. 1, § 9, prohibits lotteries.

233. L. 1834, Ch. 73. Horse racing. Amendatory of L. 1821, Ch. 193. Expired.

234. L. 1837, Ch. 430, §§ 6, 8-10. Sections 6, 8 repealed as appears in the schedule. Section 9 repeals inconsistent provisions of R. S. Section 10 states when act takes effect.

235. L. 1840, Ch. 375. To protect free citizens of this State from being kidnapped or reduced to slavery. The abolition of slavery in the United States and Territories by U. S. Constitution, Art. 30, has rendered this statute obsolete.

236. L. 1845, Ch. 228, § 1. Disturbing evening schools. Covered by Penal Code, § 448, which is consolidated in Penal Law, § 1470.

236a. L. 1845, Ch. 260. Sections 1-5 have been repealed, as appears in the schedule. Section 6 is a repealing section.

236b. L. 1846, Ch. 22. Section 1 was repealed, as appears in the schedule. Section 2 is a repealing section.

237. L. 1852, Ch. 165. Indictment and trial for libel published in a newspaper, §§ 2-4 repealed. Subject-matter of statute is covered by Penal Code, §§ 249, 251, which are consolidated in Penal Law, §§ 1326, 1328.

238. L. 1856, Ch. 158. Imprisonment of persons under the age of 21 and above the age of 16. Section 1 covered by Penal Code, § 699, which is consolidated in Penal Law, § 2186. Section 2 relates to conveyance of prisoner and compensation of sheriff. The part relating to the execution of the sentence is

covered by Code Criminal Procedure, § 488; compensation of sheriff is a county charge, County Law, § 240. Section 3 states when act takes effect.

239. L. 1860, Ch. 103, §§ 1-9. Prevention of fraud in sale of tickets on vessels. Sections 1-7, 9 repealed as shown by schedule. Section 8 is dependent for force upon the sections repealed.

240. L. 1862, Ch. 197. Section 1 is a repeal. Sections 2, 3 are saving clauses. Sections 4-8, 10 are repealed as appears in the schedule. There is no § 9.

241. L. 1862, Ch. 306. Fraud in use of false stamps, brands, labels or trade-marks. Consists of seven sections. Sections 1-4 repealed as shown by schedule. Section 5 is a repeal. Section 6 is dependent for force upon the repealed sections, and § 7 is a saving clause.

241a. L. 1866, Ch. 716. Sections 1, 2 were repealed, as appears in the schedule. Section 3 is a repeal, and § 4 states when act shall take effect.

242. L. 1867, Ch. 375, §§ 1-5, 7-10. Prevention of cruelty to animals. Consists of ten sections. Sections 1-3, 5, 7-9 were repealed as shown by schedule. Section 4 consolidated in Penal Law, § 187. Section 10 is consolidated in Penal Law, § 185.

243. L. 1868, Ch. 820. Amends L. 1857, Ch. 470, § 1, by adding "or at offices conveniently located by agents of other duly organized railway companies." L. 1857, Ch. 470, was specifically repealed by L. 1886, Ch. 593, § 1, ¶ 32. The words added by the amending act being dependent upon the life of the act amended, the repeal of the amending act is recommended.

244. L. 1869, Ch. 631, §§ 1, 2, 4. Sections 1, 2 were repealed by L. 1886, Ch. 593, § 1, ¶ 44. Section 4 is a repeal.

245. L. 1870, Ch. 19. Construes R. S., Pt. 4, Ch. 1, Title 6, § 8, subd. 6, relating to unlawful assemblies. Statute cited provides that orderly and peaceable assemblies for the purpose of securing an advance in wages, shall not be deemed unlawful assemblies under the provisions of R. S., cited. Revised Statutes, Pt. 4, Ch. 1, Tit. 6, § 8 was repealed as shown by the schedule and the statute construing it is recommended for repeal. Penal Code, § 451, contains a similar provision to that in L. 1870, Ch. 19, and is consolidated in Penal Law, § 2092.

246. L. 1872, Ch. 590. Regulating processions and parades in cities. Consists of five sections. Section 3 repealed by L. 1886, Ch. 593, § 1, ¶ 47; §§ 2, 4 repealed by L. 1900, Ch. 327, § 172. Section 1 prohibits processions and parades from obstructing the passage of street cars. Penal Code, § 426, subd. 3,

is a general prohibition against obstructing, hindering or delaying cars on street railways, and is consolidated in Penal Law, § 1990. Section 5 states when act shall take effect.

247. L. 1873, Ch. 644. Amending L. 1862, Ch. 197, §§ 6, 7, dividing murder into two degrees, and providing a punishment for murder in the second degree and for arson in the first degree. Consists of four sections. Section 1, murder in first and second degrees, was amended to read as follows by L. 1876, Ch. 333, § 1, and both were superseded by Penal Code, §§ 183, 184; consolidated in Penal Law, §§ 1044, 1046. Section 2, punishment for murder in second degree and for arson in first degree, superseded by Penal Code, §§ 187, 489, consolidated respectively in Penal Law, §§ 1048, 224. Section 3 is a saving clause, and § 4 states when act shall take effect.

248. L. 1874, Ch. 207. Section 1 is amendatory of R. S., Pt. 4, Ch. 1, tit. 3, Art. 5, § 59, relating to embezzlement by clerks and agents, which is repealed by L. 1886, Ch. 593, § 1, ¶ 1, and is, therefore, repealed by section 2 of said repealing act. Section 2 is a saving clause, and § 3 states when act shall take effect.

250. L. 1875, Ch. 97. Providing for forfeiture of property in certain cases. Section 1 consolidated in Penal Law § 183. Section 2 was amended to read as follows by L. 1875, Ch. 246, § 1. Section 3 states when act shall take effect.

251. L. 1875, Ch. 205. Suppression of vice and obscene literature. Consolidated in Penal Law, § 1147.

252. L. 1875, Ch. 246. Providing for forfeiture of property in certain cases. Consolidated in Penal Law, § 184.

253. L. 1876, Ch. 1. Amends L. 1845, Ch. 3, § 6, relating to disguises. Consists of three sections. Section 1 is repealed as appears in the schedule. Section 2 repeals inconsistent acts. Section 3 states when act shall take effect.

254. L. 1876, Ch. 108, § 1. Amends L. 1874, Ch. 209, § 2. Consolidated in Penal Law, § 2196.

255. L. 1876, Ch. 333. Relates to murder in the first and second degrees, and amends L. 1873, Ch. 644, § 1. Covered by Penal Code, §§ 183, 184, which are consolidated in Penal Law, §§ 1044, 1046.

256. L. 1879, Ch. 186. All repealed as appears in the schedule except § 3. Latter dependent on remainder of act.

257. L. 1880, Ch. 370. Sections 1-3 are repealed as appears in the schedule. Section 4 repeals inconsistent acts. Section 5 states when act shall take effect.

258. L. 1881, Ch. 419. Consolidated in Penal Law, § 2280.

258a. L. 1881, Ch. 496. This entire chapter, except the last sentence of § 5, was repealed as appears in the schedule. The unrepealed portion is a repealing clause.

259. L. 1881, Ch. 676. This statute, with the amendments thereto to January 1, 1908, constitutes the Penal Code which is consolidated in Penal Law.

260. The following named statutes have been recommended for repeal, because they either amend, add to or repeal provisions of the Penal Code. In the schedule of repeals the Penal Code has been treated as L. 1881, Ch. 676, and the statutes which have amended or repealed or added sections to the Penal Code, are, therefore, covered by the schedule of repeals. The sections of L. 1881, Ch. 676 [Penal Code], which have been affected by subsequent statutes, are set forth in Table No. 1, beginning on page 445, that table reversing the terms of the following list of statutes:

L. 1882, Ch. 102	All	amends § 727.
L. 1882, Ch. 384	All	repeals §§ 255-258, 412, 570, pt., 615. amends §§ 20, 21, 51, 119, 123, 138, 141, 170, 181, 183, 218, 278, 364-371, 398, 451, 555, 579, 653, 675, 718, 725. adds §§ 571, 572.
L. 1883, Ch. 302	All	amends § 276.
L. 1883, Ch. 358	All	repeals § 262. amends §§ 263, 265-267, 270, 276, 277.
L. 1884, Ch. 46	All	amends §§ 19, 282, 288, 290-292, 409, 410, 713.
L. 1884, Ch. 369	All	amends § 508.
L. 1884, Ch. 377	All	repeals §§ 607, 608.
L. 1884, Ch. 378	All	amends § 514.
L. 1884, Ch. 380	All	amends § 317.
L. 1885, Ch. 513	All	amends § 369.
L. 1885, Ch. 519	All	amends § 264.
L. 1885, Ch. 523	All	amends § 661.
L. 1886, Ch. 31	All	amends §§ 282, 288, 290, 291, subd. 5, §§ 292, 303. adds § 718, subd. 16, § 728.
L. 1886, Ch. 68	All	amends § 697.
L. 1886, Ch. 390	All	amends § 404.
L. 1886, Ch. 645	All	amends § 382.
L. 1886, Ch. 654	All	amends § 570.
L. 1886, Ch. 663	All	amends § 283.

L. 1887, Ch. 23	All	amends § 193, subd. 2.
L. 1887, Ch. 153	All	adds § 566a.
L. 1887, Ch. 535	All	amends § 269.
L. 1887, Ch. 647, § 9		repeals § 356.
L. 1887, Ch. 687	All	amends § 527.
L. 1887, Ch. 688	All	adds § 171a.
L. 1887, Ch. 689	All	amends § 389.
L. 1887, Ch. 690	All	amends § 322.
L. 1887, Ch. 691	All	adds § 335a.
L. 1887, Ch. 692	All	amends §§ 317, 318.
L. 1887, Ch. 693	All	amends § 278, subd. 1.
L. 1888, Ch. 144	All	amends §§ 656, 665, 668.
L. 1888, Ch. 145	All	amends §§ 19, 145, 211, subd. 2, §§ 288, 289, 291, subd. 5, §§ 293, 700.
L. 1888, Ch. 219	All	amends § 651.
L. 1888, Ch. 282	All	amends § 131.
L. 1888, Ch. 490, §§ 5, 6		amends §§ 656, 668.
L. 1888, Ch. 491	All	amends § 640, subd. 8.
L. 1888, Ch. 492	All	amends § 697.
L. 1888, Ch. 493	All	amends § 473.
L. 1888, Ch. 526	All	amends § 442.
L. 1889, Ch. 8, § 1		amends § 388.
L. 1889, Ch. 45	All	amends § 364.
L. 1889, Ch. 46	All	amends § 438.
L. 1889, Ch. 140	All	amends §§ 409, 410.
L. 1889, Ch. 141	All	amends § 407.
L. 1889, Ch. 170	All	amends § 290.
L. 1889, Ch. 267	All	amends § 422.
L. 1889, Ch. 428	All	amends § 343.
L. 1889, Ch. 497	All	adds § 640, subd. 12.
L. 1889, Ch. 500	All	amends § 308.
L. 1890, Ch. 94	All	repeals § 41. adds §§ 41, 41a-g.
L. 1890, Ch. 220	All	amends § 473.
L. 1890, Ch. 280	All	amends § 635.
L. 1890, Ch. 336	All	amends § 48.
L. 1890, Ch. 340	All	adds § 254a.
L. 1890, Ch. 378	All	amends §§ 107, 109, 110.
L. 1890, Ch. 417	All	adds § 291, subd. 7.
L. 1890, Ch. 458	All	amends § 426.
L. 1891, Ch. 120	All	amends § 559.
L. 1891, Ch. 327	All	amends § 675.
L. 1891, Ch. 358	All	amends § 421.
L. 1892, Ch. 186	All	amends § 654.

L. 1892, Ch. 217	All	amends § 291, subd. 6. adds § 291, subd. 7.
L. 1892, Ch. 218	All	amends § 13.
L. 1892, Ch. 268	All	amends § 384.
L. 1892, Ch. 272	All	amends § 119.
L. 1892, Ch. 309	All	amends § 292.
L. 1892, Ch. 325,	§§ 1-4	amends §§ 278, 287, 288, 303.
L. 1892, Ch. 372	All	amends § 639, subd. 7.
L. 1892, Ch. 496	All	amends § 699.
L. 1892, Ch. 622	All	amends § 268.
L. 1892, Ch. 634	All	amends § 407.
L. 1892, Ch. 662	All	amends §§ 106, 165, 192, 202, 206, 220, 221, 231, 232, 234, 281, 489, 507, 523, 524, 533, 534, 576, 591, 592, 602, 618, 621, 649, 696.
L. 1892, Ch. 692	All	amends §§ 413-420, 423, 424, 514, 573, 590, 593, 594, subd. 7, §§ 603-606, 609-614, 628, 629, 635, 640, 647, 651. adds §§ 572, 577a-j, 602, 607, 640, subds. 13, 14.
L. 1892, Ch. 693	All	amends §§ 41, 41a-g. adds §§ 41h-w.
L. 1892, Ch. 699	All	amends § 651.
L. 1893, Ch. 279	All	amends § 12.
L. 1893, Ch. 292	All	amends § 275.
L. 1893, Ch. 461	All	amends § 376.
L. 1893, Ch. 650	All	adds § 717a.
L. 1893, Ch. 681	All	amends § 587.
L. 1893, Ch. 692	All	amends §§ 41c, 41r, 42, 160, 373, 383, 413, 416, 468, 577a, 651. adds § 41k, subd. 18, §§ 41x, 41y, 48a, 48b, 48c, 154a, 157a, 177a, 290a, 292a, 292b, 356, 384a, 384b, 405a, 408a, 415a, 429a, 433a, 438a, 438b, 447a, 485a, 585a, 640a, 640b, 640c, 674a.
L. 1893, Ch. 708	All	adds § 363a.
L. 1893, Ch. 709	All	amends § 355.
L. 1894, Ch. 77	All	repeals § 41k, subds. 5-8. amends § 41m.
L. 1894, Ch. 164	All	amends § 640, subd. 8.
L. 1894, Ch. 171,	§§ 1, 2 pt.	repeals § 290a. adds § 288, subd. 5.
L. 1894, Ch. 282	All	amends § 41m.

L. 1894, Ch. 320	All	amends § 640, subd. 8.
L. 1894, Ch. 426, § 2		amends § 408a.
L. 1894, Ch. 474	All	adds §§ 364a, 364b.
L. 1894, Ch. 505	All	amends § 674a.
L. 1894, Ch. 551	All	amends § 640, subd. 14. adds §§ 674b, 674c, 674d, 674e.
L. 1894, Ch. 626	All	amends § 254a.
L. 1894, Ch. 714	All	amends §§ 41e, 41i, 41k, 41p, 41q, 41t, 41u renumbered 41v, 41y re- numbered 41w, 41w renumbered 41x. adds § 41u.
L. 1894, Ch. 726	All	amends § 699.
L. 1894, Ch. 753	All	repeals § 429a. amends § 429.
L. 1895, Ch. 72	All	amends § 378.
L. 1895, Ch. 155	All	adds § 41z.
L. 1895, Ch. 287	All	amends § 642.
L. 1895, Ch. 460	All	amends § 282, subsd. 1, 4, § 278, subd. 5.
L. 1895, Ch. 571	All	amends § 343.
L. 1895, Ch. 572	All	amends § 351.
L. 1895, Ch. 721	All	amends § 41.
L. 1895, Ch. 726	All	amends § 635.
L. 1895, Ch. 727	All	amends § 641.
L. 1895, Ch. 778	All	amends § 276.
L. 1895, Ch. 883	All	amends § 382.
L. 1895, Ch. 885	All	amends § 41o.
L. 1895, Ch. 890	All	amends § 363a, subd. 2.
L. 1895, Ch. 892	All	amends § 418.
L. 1895, Ch. 902	All	amends § 489, subd. 1.
L. 1896, Ch. 301	All	amends § 458.
L. 1896, Ch. 304	All	adds § 654a.
L. 1896, Ch. 366	All	amends § 674a.
L. 1896, Ch. 374	All	amends § 698.
L. 1896, Ch. 410	All	amends § 291, subd. 7.
L. 1896, Ch. 549	All	amends § 41k, subd. 4.
L. 1896, Ch. 550	All	adds §§ 117b, 675a.
L. 1896, Ch. 551	All	adds §§ 384c, 384d, 384e, 407, subd. 5, §§ 427a, 428, 447b.
L. 1896, Ch. 552	All	amends § 640, subd. 14. adds § 640, subd. 15.
L. 1896, Ch. 553	All	amends § 699.
L. 1896, Ch. 554	All	amends § 701.
L. 1896, Ch. 648	All	amends § 267.

L. 1896, Ch. 664	All	amends § 424.
L. 1896, Ch. 931, § 5		amends § 384b.
L. 1896, Ch. 1002	All	amends § 674a.
L. 1897, Ch. 42	All	adds § 412.
L. 1897, Ch. 183	All	amends § 635.
L. 1897, Ch. 255	All	amends §§ 41, 41a.
L. 1897, Ch. 267	All	amends § 652.
L. 1897, Ch. 416, §§ 1-3		amends §§ 384b, 447a. adds §§ 384f-m, 447c.
L. 1897, Ch. 506	All	amends 616. adds § 615
L. 1897, Ch. 548	All	adds § 183a.
L. 1897, Ch. 549	All	amends § 489.
L. 1897, Ch. 554, § 2		amends § 408a.
L. 1897, Ch. 584	All	adds §§ 359a, 359b.
L. 1897, Ch. 613, § 1		adds §§ 384m, 384n.
L. 1898, Ch. 156	All	adds § 634a.
L. 1898, Ch. 197	All	amends § 41.
L. 1898, Ch. 330	All	amends §§ 364a, 364b. adds §§ 364c-364h.
L. 1898, Ch. 394	All	adds § 384o.
L. 1898, Ch. 663	All	adds § 619a.
L. 1899, Ch. 12	All	adds § 640, subd. 16.
L. 1899, Ch. 184	All	amends § 674a.
L. 1899, Ch. 265	All	adds § 41k, subd. 17. amends § 41k, subd. 17, renumbered subd. 18.
L. 1899, Ch. 316	All	adds § 383a.
L. 1899, Ch. 327	All	amends § 564. adds §§ 674f, 674g.
L. 1899, Ch. 338	All	adds § 639, subd. 11.
L. 1899, Ch. 343	All	adds § 407a.
L. 1899, Ch. 475	All	adds § 729.
L. 1899, Ch. 515	All	adds § 447d.
L. 1899, Ch. 529	All	adds § 41aa.
L. 1899, Ch. 530	All	amends § 41.
L. 1899, Ch. 603	All	amends § 409.
L. 1899, Ch. 655	All	adds §§ 337a-337d.
L. 1899, Ch. 724	All	adds § 333a.
L. 1900, Ch. 70	All	adds § 41bb.
L. 1900, Ch. 109	All	amends § 147.
L. 1900, Ch. 114	All	amends § 698.
L. 1900, Ch. 216	All	adds § 363b.
L. 1900, Ch. 222	All	amends § 409.
L. 1900, Ch. 270	All	amends § 458.

L. 1900, Ch. 494	All	amends § 389.
L. 1900, Ch. 508	All	amends § 674a.
L. 1900, Ch. 584	All	amends § 429.
L. 1900, Ch. 586	All	adds § 364i.
L. 1900, Ch. 588	All	amends § 642.
L. 1900, Ch. 589	All	amends § 651.
L. 1900, Ch. 731	All	amends § 317, subd. 1.
L. 1900, Ch. 759	All	amends § 421.
L. 1900, Ch. 768	All	adds § 384p.
L. 1901, Ch. 128	All	adds §§ 640d, 640e.
L. 1901, Ch. 190	All	adds §§ 344a, 344b, 344c.
L. 1901, Ch. 367	All	amends § 385, subd. 3.
L. 1901, Ch. 371	All	repeals § 41l.
		amends § 41, subd. 10, §§ 41a, 41d, 41m renumbered 41l, 41n renum- bered 41m, 41o renumbered 41n, 41p renumbered 41o, 41q renum- bered 41p, 41r renumbered 41q, 41s renumbered 41t, 41t renum- bered 41s, 41u renumbered 41t, 41v renumbered 41u, 41w renum- bered 41v, 41x renumbered 41w.
		adds § 41zz.
L. 1901, Ch. 392	All	amends § 267.
L. 1901, Ch. 425	All	adds § 687a.
L. 1901, Ch. 528	All	adds § 447e.
L. 1901, Ch. 560, § 1		adds § 652a.
L. 1901, Ch. 588	All	repeals § 594, subds. 6, 7, § 613, subd. 1.
		amends § 613, subd. 2.
L. 1901, Ch. 636	All	amends § 351.
L. 1901, Ch. 661	All	amends § 641.
L. 1902, Ch. 83	All	amends § 282.
L. 1902, Ch. 103	All	amends § 699.
L. 1902, Ch. 116	All	amends § 686.
L. 1902, Ch. 148	All	amends § 601.
L. 1902, Ch. 203	All	adds § 148a.
L. 1902, Ch. 266	All	amends § 666.
L. 1902, Ch. 282	All	amends § 687a.
L. 1902, Ch. 333	All	adds § 651a.
L. 1902, Ch. 371	All	adds §§ 468a-468e.
L. 1902, Ch. 486	All	amends § 389.
L. 1903, Ch. 50	All	adds § 291, subd. 8.
L. 1903, Ch. 272	All	amends § 640, subd. 16.
L. 1903, Ch. 309	All	adds § 290, subd. 6.

L. 1903, Ch. 326	All	amends § 550.
L. 1903, Ch. 331	All	amends § 291, subd. 7.
L. 1903, Ch. 332	All	amends § 504.
L. 1903, Ch. 333	All	amends § 160.
L. 1903, Ch. 349	All	adds §§ 171b, 171c.
L. 1903, Ch. 376	All	amends § 287.
L. 1903, Ch. 380	All	amends § 384e.
L. 1903, Ch. 494	All	adds § 405b.
L. 1904, Ch. 388	All	amends § 701.
L. 1904, Ch. 423	All	adds § 364, subd. 8.
L. 1904, Ch. 489	All	amends § 593. adds § 608.
L. 1904, Ch. 494	All	amends §§ 367, 369-371.
L. 1904, Ch. 539	All	amends § 666.
L. 1904, Ch. 649	All	amends § 342.
L. 1904, Ch. 657	All	adds § 384q.
L. 1904, Ch. 659	All	adds § 447f.
L. 1904, Ch. 661	All	amends § 378.
L. 1905, Ch. 80	All	amends § 640, subd. 16.
L. 1905, Ch. 92	All	amends §§ 409, 410.
L. 1905, Ch. 136	All	adds § 384r.
L. 1905, Ch. 168	All	adds § 287a.
L. 1905, Ch. 242	All	amends § 517.
L. 1905, Ch. 248	All	amends § 600.
L. 1905, Ch. 270	All	amends § 322.
L. 1905, Ch. 279, § 1		adds § 639a.
L. 1905, Ch. 287	All	adds § 364j.
L. 1905, Ch. 326	All	amends § 429.
L. 1905, Ch. 366	All	adds § 567a.
L. 1905, Ch. 440	All	amends § 640, subd. 16.
L. 1905, Ch. 441	All	amends § 642.
L. 1905, Ch. 442	All	repeals §§ 403-405. amends §§ 401, 402. § 405a renum- bered 405. adds §§ 403, 404.
L. 1905, Ch. 443	All	amends § 397.
L. 1905, Ch. 556	All	amends § 544.
L. 1905, Ch. 590	All	amends § 674a.
L. 1905, Ch. 625	All	amends § 41, subds. 2, 6, §§ 41a, 41aa renumbered 41c, 41b, 41e renumbered 41aa, 41d, 41g, 41i, 41k, subd. 4, 41l, 41o, 41p, 41t, 41zz.
L. 1905, Ch. 655	All	amends §§ 12, 699. adds § 291, subd. 9; § 289, subd. 3.
L. 1905, Ch. 692	All	amends § 76.

L. 1906, Ch. 36	All	amends § 687a.
L. 1906, Ch. 41	All	adds § 290, subd. 8.
L. 1906, Ch. 138	All	adds § 282b.
L. 1906, Ch. 231	All	adds § 577k.
L. 1906, Ch. 286	All	amends § 611, subds. 2, 3.
L. 1906, Ch. 324	All	adds § 101a.
L. 1906, Ch. 353	All	amends § 147.
L. 1906, Ch. 413	All	adds § 282a.
L. 1906, Ch. 453	All	amends § 651.
L. 1906, Ch. 454	All	amends § 384o.
L. 1906, Ch. 485	All	adds § 567b.
L. 1906, Ch. 503	All	amends §§ 41n, 41z, 41zz.
L. 1906, Ch. 516	All	repeals § 640d.
L. 1906, Ch. 521	All	amends § 384g.
L. 1907, Ch. 192	All	amends § 656.
L. 1907, Ch. 398	All	amends § 41n.
L. 1907, Ch. 405	All	amends § 648.
L. 1907, Ch. 417	All	amends § 699.
L. 1907, Ch. 424	All	adds § 405a.
L. 1907, Ch. 506	All	repeals § 384f.
		amends §§ 384h, 384l.
L. 1907, Ch. 523	All	amends § 384h, subd. 4.
L. 1907, Ch. 544	All	adds § 41zzz.
L. 1907, Ch. 546	All	adds §§ 616a, 616b, 616c.
L. 1907, Ch. 581	All	amends § 528.
L. 1907, Ch. 582	All	adds § 411a.
L. 1907, Ch. 583	All	adds §§ 280a, 280b.
L. 1907, Ch. 584	All	adds § 41z (c).
L. 1907, Ch. 626	All	adds § 379a.
L. 1907, Ch. 646	All	adds § 688a.
L. 1907, Ch. 649	All	amends § 401.
L. 1907, Ch. 682	All	amends § 382.
L. 1907, Ch. 683	All	amends § 211, subd. 3.
L. 1907, Ch. 737	All	amends § 687a.
L. 1907, Ch. 738	All	amends § 187.
L. 1907, Ch. 741	All	amends § 577k.

261. L. 1885, Ch. 8. Unauthorized wearing of badges and insignia of the grand army of the republic. Covered by Penal Code, § 674a, which is consolidated in Penal Law, § 2240.

262. L. 1886, Ch. 390. Amends Penal Code, § 404, which was expressly repealed by L. 1905, Ch. 442, § 3.

263. L. 1887, Ch. 711, § 9 part. Part providing that the court shall not limit the sentence of a person sentenced to a reformatory, consolidated in Penal Law, § 2195.

263a. L. 1888, Ch. 492. Section 1 amends Penal Code, § 697; § 2 provides that the secretary of state shall within five days from the time the act takes effect mail copies of the act to certain officers; temporary; § 3 states when act shall take effect.

263b. L. 1889, Ch. 8. Section 1 amends Penal Code, § 388; § 2 is a repeal and § 3 states when act shall take effect.

263c. L. 1890, Ch. 94. Section 1 was amended to read as follows, as appears in the schedule. Section 2 is a repeal and § 3 states when act shall take effect.

264. L. 1892, Ch. 325. Consists of six sections. Sections 1-4, amend Penal Code, §§ 278, 287, 288, 303; § 5 repeals L. 1890, Ch. 41; § 6 is a saving clause and obsolete.

265. L. 1893, Ch. 114. Consolidated in Penal Law, § 2197.

266. L. 1893, Ch. 296. Consolidated in Penal Law, § 1082.

267. L. 1894, Ch. 259. Consolidated in Penal Law, § 2240.

268. L. 1894, Ch. 265. Consolidated in Penal Law, § 1030.

269. L. 1894, Ch. 282. Section 1 was amended to read as follows, as appears in the schedule. Section 2 is a saving clause, relating to proceedings under Penal Code, § 41k, subds. 5-8, pending immediately prior to the repeal of said subdivisions by L. 1894, Ch. 77, § 1; obsolete. Section 3 states when act shall take effect.

270. L. 1896, Ch. 112, §§ 40, 41. Section 40 as amended by L. 1897, Ch. 312, § 28, consolidated in Penal Law, §§ 1221, 1912. Section 41 consolidated in Penal Law, § 1913.

271. L. 1897, Ch. 256. Consolidated in Penal Law, § 489.

272. L. 1897, Ch. 312, § 28. Consolidated in Penal Law, §§ 1221, 1912.

274. L. 1898, Ch. 325. Consolidated in Penal Law, § 1757.

275. L. 1898, Ch. 555, §§ 10, 11. Section 10 consolidated in Penal Law, § 1763. Section 11 states when act takes effect.

276. L. 1898, Ch. 657. Covered by Penal Law, § 421.

277. L. 1898, Ch. 671. Consolidated in Penal Law, § 1278.

278. L. 1899, Ch. 225, § 2. Consolidated in Penal Law, § 270.

279. L. 1899, Ch. 516, § 4. Consolidated in Penal Law, § 1784.

280. L. 1904, Ch. 423. Section 1 adds to Penal Code § 364, subd. 8; § 2 prescribes a penalty for a violation thereof.

Both consolidated in Penal Law, § 421. Section 3 is when to take effect.

281. L. 1905, Ch. 168. Adds to Penal Code § 287a. Consolidated in Penal Law, § 480.

282. L. 1905, Ch. 380, §§ 5, 6. Section 5 consolidated in Penal Law, § 1435. Section 6 states when act takes effect.

283. L. 1907, Ch. 297. Consolidated in Penal Law, § 2153.

284. L. 1907, Ch. 649. Consolidated in Penal Law, § 1742.

285. Code Civil Procedure, §§ 32, 33. Consolidated in Penal Law, § 1790.

286. Code Civil Procedure, §§ 63, 64. Section 63 consolidated in Penal Law, § 271. Section 64 consolidated in Penal Law, §§ 272, 1877.

287. Code Civil Procedure, §§ 70, 71. Consolidated in Penal Law, § 273.

288. Code Civil Procedure, §§ 73-77. Consolidated in Penal Law, §§ 274-276.

289. Code Civil Procedure, §§ 78-81. Consolidated in Penal Law, §§ 278, 279.

290. Code Civil Procedure, § 106. Covered by Penal Law, § 1848.

291. Code Civil Procedure, § 108, subd. 3, last sentence. Covered by Penal Code, § 96, and consolidated in Penal Law, § 1620.

292. Code Civil Procedure, § 125, pt. prescribing penalty for violation. Consolidated in Penal Law, § 1876.

293. Code Civil Procedure, § 130. Consolidated in Penal Law, § 1791.

294. Code Civil Procedure, § 157, pt. second sentence. Consolidated in Penal Law, § 1698.

295. Code Civil Procedure, § 159. Consolidated in Penal Law, § 1839.

296. Code Civil Procedure, § 334. Consolidated in Penal Law, § 1634.

297. Code Civil Procedure, § 851. Consolidated in Penal Law, § 1622.

298. Code Civil Procedure, § 961, last sentence. Consolidated in Penal Law, § 1875.

299. Code Civil Procedure, § 1120. Consolidated in Penal Law, § 1232.

300. Code Civil Procedure, §§ 1122-1125. Consolidated in Penal Law, §§ 1233, 1235.

301. Code Civil Procedure, §§ 1158-1161. Consolidated in Penal Law, §§ 1234, 1236, 1232.

302. Code Civil Procedure, § 1679. Consolidated in Penal Law, § 2039.

303. Code Civil Procedure, § 1900, pt. prescribing penalty. Consolidated in Penal Law, § 324.

304. Code Civil Procedure, § 1952, pt. from beginning to and including word "misdemeanor." Consolidated in Penal Law, § 1874.

305. Code Civil Procedure, § 2241, pt. prescribing penalty. Consolidated in Penal Law, § 2040.

306. Code Civil Procedure, § 3346. Saving clause relating to criminal prosecutions. Obsolete.

TABLE I**AMENDMENTS, REPEALS AND ADDITIONS TO THE
PENAL CODE**

The following table shows the changes made in the Penal Code [L. 1881, Ch. 676] since its enactment to the close of the session of the Legislature of 1907:

§ 12	amended L. 1893, Ch. 279, § 1, L. 1905, Ch. 655, § 1.
§ 13	amended L. 1892, Ch. 218, § 1.
§ 19	amended L. 1884, Ch. 46, § 1. L. 1888, Ch. 145, § 1.
§ 20	amended L. 1882, Ch. 384, § 1.
§ 21	amended L. 1882, Ch. 384, § 1.
§ 41	repealed L. 1890, Ch. 94, § 2.
§ 41	added L. 1890, Ch. 94, § 1. amended L. 1892, Ch. 693, § 1. L. 1895, Ch. 721, § 1. L. 1897, Ch. 255, § 1. L. 1898, Ch. 197, § 1. L. 1899, Ch. 530, § 1. subd. 10.... L. 1901, Ch. 371, § 1. subs. 2, 6.. L. 1905, Ch. 625, §§ 1, 2.
§ 41a	added L. 1890, Ch. 94, § 1. amended L. 1892, Ch. 693, § 1. L. 1897, Ch. 255, § 1. L. 1901, Ch. 371, § 2. L. 1905, Ch. 625, § 3.
§ 41aa	added L. 1899, Ch. 529, § 1. renumbered § 41c, L. 1905, Ch. 625, § 4.
§ 41b	added L. 1890, Ch. 94, § 1. amended L. 1892, Ch. 693, § 1. L. 1905, Ch. 625, § 5.
§ 41bb	added L. 1900, Ch. 70, § 1.
§ 41c	added L. 1890, Ch. 94, § 1. amended L. 1892, Ch. 693, § 1. L. 1893, Ch. 692, § 1. renumbered § 41aa and amended L. 1905, Ch. 625, § 4.
§ 41d	added L. 1890, Ch. 94, § 1. amended L. 1892, Ch. 693, § 1. L. 1901, Ch. 371, § 3. L. 1905, Ch. 625, § 6.

- § 41r added L. 1892, Ch. 693, § 1.
 amended L. 1893, Ch. 692, § 1.
 renumbered § 41q and
 amended L. 1901, Ch. 371, § 9.
- § 41s added L. 1892, Ch. 693, § 1.
 renumbered § 41r, L. 1901, Ch. 371, § 10.
- § 41t added L. 1892, Ch. 693, § 1.
 amended L. 1894, Ch. 714, § 6.
 renumbered § 41s, L. 1901, Ch. 371, § 10.
- § 41u added L. 1894, Ch. 714, § 7.
 renumbered § 41t, L. 1901, Ch. 371, § 10.
 amended L. 1905, Ch. 625, § 13.
- § 41u added L. 1892, Ch. 693, § 1.
 renumbered § 41v, L. 1894, Ch. 714, § 8.
 renumbered § 41u, L. 1901, Ch. 371, § 10.
- § 41v added L. 1892, Ch. 693, § 1.
 renumbered § 41w, L. 1894, Ch. 714, § 8.
 renumbered § 41v, L. 1901, Ch. 371, § 10.
- § 41w added L. 1892, Ch. 693, § 1.
 renumbered § 41x, L. 1894, Ch. 714, § 8.
 renumbered § 41w, L. 1901, Ch. 371, § 10.
- § 41x added L. 1893, Ch. 692, § 2.
- § 41y added L. 1893, Ch. 692, § 2.
- § 41z (a, b) ... added L. 1895, Ch. 155, § 1.
 amended L. 1906, Ch. 503, § 2.
- § 41z (c) added L. 1907, Ch. 584, § 1.
- § 41zz added L. 1901, Ch. 371, § 11.
 amended L. 1905, Ch. 625, § 14.
 L. 1906, Ch. 503, § 3.
- § 41zzz added L. 1907, Ch. 544, § 1.
- § 42 amended L. 1893, Ch. 692, § 1.
- § 48 amended L. 1890, Ch. 336, § 1.
- § 48a added L. 1893, Ch. 692, § 2.
- § 48b added L. 1893, Ch. 692, § 2.
- § 48c added L. 1893, Ch. 692, § 2.
- § 51 amended L. 1882, Ch. 384, § 1.
- § 76 amended L. 1905, Ch. 692, § 1.
- § 101a added L. 1906, Ch. 324, § 1.
- § 106 amended L. 1892, Ch. 662, § 1.
- § 107 amended L. 1890, Ch. 378, § 1.
- § 109 amended L. 1890, Ch. 378, § 2.
- § 110 amended L. 1890, Ch. 378, § 3.
- § 117b added L. 1896, Ch. 550, § 1.
- § 119 amended L. 1882, Ch. 384, § 1.
 L. 1892, Ch. 272, § 1.

§ 123	.....	amended	L. 1882, Ch. 384, § 1.
§ 131	.....	amended	L. 1888, Ch. 282, § 1.
§ 138	.....	amended	L. 1882, Ch. 384, § 1.
§ 141	.....	amended	L. 1882, Ch. 384, § 1.
§ 145	.....	amended	L. 1888, Ch. 145, § 2.
§ 147	.....	amended	L. 1900, Ch. 109, § 1.
			L. 1906, Ch. 353, § 1.
§ 148a	.....	added	L. 1902, Ch. 203, § 1.
§ 154a	.....	added	L. 1893, Ch. 692, § 2.
§ 157a	.....	added	L. 1893, Ch. 692, § 2.
§ 160	.....	amended	L. 1893, Ch. 692, § 1.
			L. 1903, Ch. 333, § 1.
§ 165	.....	amended	L. 1892, Ch. 662, § 2.
§ 170	.....	amended	L. 1882, Ch. 384, § 1.
§ 171a	.....	added	L. 1887, Ch. 688, § 1.
§ 171b	.....	added	L. 1903, Ch. 349, § 1.
§ 171c	.....	added	L. 1903, Ch. 349, § 1.
§ 177a	.....	added	L. 1893, Ch. 692, § 2.
§ 181	.....	amended	L. 1882, Ch. 384, § 1.
§ 183	.....	amended	L. 1882, Ch. 384, § 1.
§ 183a	.....	added	L. 1897, Ch. 548, § 1.
§ 187	.....	amended	L. 1907, Ch. 738, § 1.
§ 192	.....	amended	L. 1892, Ch. 662, § 3.
§ 193, subd. 2..		amended	L. 1887, Ch. 23, § 1.
§ 202	.....	amended	L. 1892, Ch. 662, § 4.
§ 206	.....	amended	L. 1892, Ch. 662, § 5.
§ 211, subd. 2..		amended	L. 1888, Ch. 145, § 3.
subd. 3.....			L. 1907, Ch. 683, § 1.
§ 218	.....	amended	L. 1882, Ch. 384, § 1.
§ 220	.....	amended	L. 1892, Ch. 662, § 6.
§ 221	.....	amended	L. 1892, Ch. 662, § 7.
§ 231	.....	amended	L. 1892, Ch. 662, § 8.
§ 232	.....	amended	L. 1892, Ch. 662, § 9.
§ 234	.....	amended	L. 1892, Ch. 662, § 10.
§ 254a	.....	added	L. 1890, Ch. 340, § 1.
		amended	L. 1894, Ch. 626, § 1.
§ 255	.....	repealed	L. 1882, Ch. 384, § 1.
§ 256	.....	repealed	L. 1882, Ch. 384, § 1.
§ 257	.....	repealed	L. 1882, Ch. 384, § 1.
§ 258	.....	repealed	L. 1882, Ch. 384, § 1.
§ 262	.....	repealed	L. 1883, Ch. 358, § 8.
§ 263	.....	amended	L. 1883, Ch. 358, § 1.
§ 264	.....	amended	L. 1885, Ch. 519, § 1.
§ 265	.....	amended	L. 1883, Ch. 358, § 2.
§ 266	.....	amended	L. 1883, Ch. 358, § 3.

§ 267	amended	L. 1883, Ch. 358, § 4. L. 1896, Ch. 648, § 1. L. 1901, Ch. 392, § 1.
§ 268	amended	L. 1892, Ch. 622, § 1.
§ 269	amended	L. 1887, Ch. 535, § 1.
§ 270	amended	L. 1883, Ch. 358, § 5.
§ 275	amended	L. 1893, Ch. 292, § 1.
§ 276	amended	L. 1883, Ch. 302, § 1. L. 1883, Ch. 358, § 6. L. 1895, Ch. 778, § 1.
§ 277	amended	L. 1883, Ch. 358, § 7.
§ 278	amended	L. 1882, Ch. 384, § 1.
subd. 1		L. 1887, Ch. 693, § 1.
		L. 1892, Ch. 325, § 1.
subd. 5		L. 1895, Ch. 460, § 1.
§ 280a	added	L. 1907, Ch. 583, § 1.
§ 280b	added	L. 1907, Ch. 583, § 1.
§ 281	amended	L. 1892, Ch. 662, § 11.
§ 282	amended	L. 1884, Ch. 46, § 2. L. 1886, Ch. 31, § 1.
subds. 1, 4		L. 1895, Ch. 460, § 2. L. 1902, Ch. 83, § 1.
§ 282a	added	L. 1906, Ch. 413, § 1.
§ 282b	added	L. 1906, Ch. 138, § 1.
§ 283	amended	L. 1886, Ch. 663, § 1.
§ 287	amended	L. 1892, Ch. 325, § 2. L. 1903, Ch. 376, § 1.
§ 287a	added	L. 1905, Ch. 168, § 1.
§ 288	amended	L. 1884, Ch. 46, § 3. L. 1886, Ch. 31, § 2. L. 1888, Ch. 145, § 4. L. 1892, Ch. 325, § 3.
subd. 5	added	L. 1894, Ch. 171, § 1.
§ 289	amended	L. 1888, Ch. 145, § 5.
subd. 3	added	L. 1905, Ch. 655, § 2.
§ 290	amended	L. 1884, Ch. 46, § 4. L. 1886, Ch. 31, § 3. L. 1889, Ch. 170, § 1.
subd. 6	added	L. 1903, Ch. 309, § 1.
subd. 8	added	L. 1906, Ch. 41, § 1.
§ 290a	added	L. 1893, Ch. 692, § 2.
	repealed	L. 1894, Ch. 171, § 2.
§ 291	amended	L. 1884, Ch. 46, § 5.
subd. 5		L. 1886, Ch. 31, § 4.
subd. 5		L. 1888, Ch. 145, § 6.

- subd. 7..... added L. 1890, Ch. 417, § 1.
- subd. 6..... amended L. 1892, Ch. 217, § 1.
- subd. 7..... added L. 1892, Ch. 217, § 2.
- subd. 7..... amended L. 1896, Ch. 410, § 1.
- subd. 8..... added L. 1903, Ch. 50, § 1.
- subd. 7..... amended L. 1903, Ch. 331, § 1.
- subd. 9..... added L. 1905, Ch. 655, § 3.
- § 292 amended L. 1884, Ch. 46, § 6.
L. 1886, Ch. 31, § 5.
L. 1892, Ch. 309, § 1.
- § 292a added L. 1893, Ch. 692, § 2.
- § 292b added L. 1893, Ch. 692, § 2.
- § 293 amended L. 1888, Ch. 145, § 7.
- § 303 amended L. 1886, Ch. 31, § 6.
L. 1892, Ch. 325, § 4.
- § 308 amended L. 1889, Ch. 500, § 1.
- § 317 amended L. 1884, Ch. 380, § 1.
L. 1887, Ch. 692, § 1.
L. 1900, Ch. 731, § 1.
- subd. 1.....
- § 318 amended L. 1887, Ch. 692, § 2.
- § 322 amended L. 1887, Ch. 690, § 1.
L. 1905, Ch. 270, § 1.
- § 335a added L. 1887, Ch. 691, § 1.
- § 337a added L. 1899, Ch. 655, § 1.
- § 337b added L. 1899, Ch. 655, § 1.
- § 337c added L. 1899, Ch. 655, § 1.
- § 337d added L. 1899, Ch. 655, § 1.
- § 342 amended L. 1904, Ch. 649, § 1.
- § 343 amended L. 1889, Ch. 428, § 1.
L. 1895, Ch. 571, § 1.
- § 344a added L. 1901, Ch. 190, § 1.
- § 344b added L. 1901, Ch. 190, § 1.
- § 344c added L. 1901, Ch. 190, § 1.
- § 351 amended L. 1895, Ch. 572, § 1.
L. 1901, Ch. 636, § 1.
- § 355 amended L. 1893, Ch. 709, § 1.
- § 356 repealed L. 1887, Ch. 647, § 9.
- § 356 added L. 1893, Ch. 692, § 2.
- § 359a added L. 1897, Ch. 584, § 1.
- § 359b added L. 1897, Ch. 584, § 2.
- § 363a added L. 1893, Ch. 708, § 1.
- subd. 2..... amended L. 1895, Ch. 890, § 1.
- § 363b added L. 1900, Ch. 216, § 1.
- § 364 amended L. 1882, Ch. 384, § 1.
L. 1889, Ch. 45, § 1.

subd. 8.....	added L. 1904, Ch. 423, § 1.
§ 364a	added L. 1894, Ch. 474, § 1.
	amended L. 1898, Ch. 330, § 1.
§ 364b	added L. 1894, Ch. 474, § 1.
	amended L. 1898, Ch. 330, § 2.
§ 364c	added L. 1898, Ch. 330, § 3.
§ 364d	added L. 1898, Ch. 330, § 3.
§ 364e	added L. 1898, Ch. 330, § 3.
§ 364f	added L. 1898, Ch. 330, § 3.
§ 364g	added L. 1898, Ch. 330, § 3.
§ 364h	added L. 1898, Ch. 330, § 3.
§ 364i	added L. 1900, Ch. 586, § 1.
§ 364j	added L. 1905, Ch. 287, § 1.
§ 365	amended L. 1882, Ch. 384, § 1.
§ 366	amended L. 1882, Ch. 384, § 1.
§ 367	amended L. 1882, Ch. 384, § 1.
	L. 1904, Ch. 494, § 1.
§ 368	amended L. 1882, Ch. 384, § 1.
§ 369	amended L. 1882, Ch. 384, § 1.
	L. 1885, Ch. 513, § 1.
	L. 1904, Ch. 494, § 1.
§ 370	amended L. 1882, Ch. 384, § 1.
	L. 1904, Ch. 494, § 1.
§ 371	amended L. 1882, Ch. 384, § 1.
	L. 1904, Ch. 494, § 1.
§ 373	amended L. 1893, Ch. 692, § 1.
§ 376	amended L. 1893, Ch. 461, § 1.
§ 378	amended L. 1895, Ch. 72, § 1.
	L. 1904, Ch. 661, § 1.
§ 379a	added L. 1907, Ch. 626, § 1.
§ 382	amended L. 1886, Ch. 645, § 1.
	L. 1895, Ch. 883, § 1.
	L. 1907, Ch. 682, § 1.
§ 383	amended L. 1893, Ch. 692, § 1.
§ 383a	added L. 1899, Ch. 316, § 1.
§ 383a	added L. 1899, Ch. 724, § 1.
§ 384	amended L. 1892, Ch. 268, § 1.
§ 384a	added L. 1893, Ch. 692, § 2.
§ 384b	added L. 1893, Ch. 692, § 2.
	amended L. 1896, Ch. 931, § 5.
	L. 1897, Ch. 416, § 1.
§ 384c	added L. 1896, Ch. 551, § 1.
§ 384d	added L. 1896, Ch. 551, § 1.
§ 384e	added L. 1896, Ch. 551, § 1.
§ 384f	added L. 1897, Ch. 416, § 3.
	repealed L. 1907, Ch. 506, § 3.

§ **384g** added L. 1897, Ch. 416, § 3.
amended L. 1906, Ch. 521, § 1.

§ **384h** added L. 1897, Ch. 416, § 3.
amended L. 1907, Ch. 506, § 1.
subd. 4..... L. 1907, Ch. 523, § 1.

§ **384i** added L. 1897, Ch. 416, § 3.

§ **384j** added L. 1897, Ch. 416, § 3.

§ **384k** added L. 1897, Ch. 416, § 3.

§ **384-l**..... added L. 1897, Ch. 416, § 3.
amended L. 1903, Ch. 380, § 1.
L. 1907, Ch. 506, § 2.

§ **384m** added L. 1897, Ch. 416, § 3.

§ **384m** added L. 1897, Ch. 613, § 1.

§ **384n** added L. 1897, Ch. 613, § 1.

§ **384o** added L. 1898, Ch. 394, § 1.
amended L. 1906, Ch. 454, § 1.

§ **384p** added L. 1900, Ch. 768, § 1.

§ **384q** added L. 1904, Ch. 657, § 1.

§ **384r** added L. 1905, Ch. 136, § 1.

§ **385**, subd. 3.. amended L. 1901, Ch. 367, § 1.

§ **388** amended L. 1889, Ch. 8, § 1.

§ **389** amended L. 1887, Ch. 689, § 1.
L. 1900, Ch. 494, § 1.
L. 1902, Ch. 486, § 1.

§ **397** amended L. 1905, Ch. 443, § 1.

§ **398** amended L. 1882, Ch. 384, § 1.

§ **401** amended L. 1905, Ch. 442, § 1.
L. 1907, Ch. 649, § 1.

§ **402** amended L. 1905, Ch. 442, § 2.

§ **403** repealed L. 1905, Ch. 442, § 3.

§ **403** added L. 1905, Ch. 442, § 4.

§ **404** amended L. 1886, Ch. 390, § 1.
repealed L. 1905, Ch. 442, § 3.

§ **404** added L. 1905, Ch. 442, § 4.

§ **405** repealed L. 1905, Ch. 442, § 3.

§ **405a** added L. 1893, Ch. 692, § 2.
renumbered § 405, L. 1905, Ch. 442, § 5.

§ **405a** added L. 1907, Ch. 424, § 1.

§ **405b** added L. 1903, Ch. 494, § 1.

§ **407** amended L. 1889, Ch. 141, § 1.
L. 1892, Ch. 634, § 1.

subd. 5..... added L. 1896, Ch. 551, § 2.

§ **407a** added L. 1899, Ch. 343, § 1.

§ **408a** added L. 1893, Ch. 692, § 2.
amended L. 1894, Ch. 426, § 2.
L. 1897, Ch. 554, § 2.

§ 409	.....	amended	L. 1884, Ch. 46, § 7. L. 1889, Ch. 140, § 1. L. 1899, Ch. 603, § 1. L. 1900, Ch. 222, § 1. L. 1905, Ch. 92, § 1.
§ 410	.....	amended	L. 1884, Ch. 46, § 8. L. 1889, Ch. 140, § 2. L. 1905, Ch. 92, § 2.
§ 411a	.....	added	L. 1907, Ch. 582, § 1.
§ 412	.....	repealed	L. 1882, Ch. 384, § 1.
§ 412	.....	added	L. 1897, Ch. 42, § 1.
§ 413	.....	amended	L. 1892, Ch. 692, § 1. L. 1893, Ch. 692, § 1.
§ 414	.....	amended	L. 1892, Ch. 692, § 1.
§ 415	.....	amended	L. 1892, Ch. 692, § 1.
§ 415a	.....	added	L. 1893, Ch. 692, § 2.
§ 416	.....	amended	L. 1892, Ch. 692, § 1. L. 1893, Ch. 692, § 1.
§ 417	.....	amended	L. 1892, Ch. 692, § 1.
§ 418	.....	amended	L. 1892, Ch. 692, § 1. L. 1895, Ch. 892, § 1.
§ 419	.....	amended	L. 1892, Ch. 692, § 1.
§ 420	.....	amended	L. 1892, Ch. 692, § 1.
§ 421	.....	amended	L. 1891, Ch. 358, § 1. L. 1900, Ch. 759, § 1.
§ 422	.....	amended	L. 1889, Ch. 267, § 1.
§ 423	.....	amended	L. 1892, Ch. 692, § 1.
§ 424	.....	amended	L. 1892, Ch. 692, § 1. L. 1896, Ch. 664, § 1.
§ 426	.....	amended	L. 1890, Ch. 458, § 1.
§ 427a	.....	added	L. 1896, Ch. 551, § 1.
§ 428	.....	added	L. 1896, Ch. 551, § 1.
§ 429	.....	amended	L. 1894, Ch. 753, § 1. L. 1900, Ch. 584, § 1. L. 1905, Ch. 326, § 1.
§ 429a	.....	added	L. 1893, Ch. 692, § 2.
		repealed	L. 1894, Ch. 753, § 2.
§ 433a	.....	added	L. 1893, Ch. 692, § 2.
§ 438	.....	amended	L. 1889, Ch. 46, § 1.
§ 438a	.....	added	L. 1893, Ch. 692, § 2.
§ 438b	.....	added	L. 1893, Ch. 692, § 2.
§ 442	.....	amended	L. 1888, Ch. 526, § 1.
§ 447a	.....	added	L. 1893, Ch. 692, § 2.
		amended	L. 1897, Ch. 416, § 1.
§ 447b	.....	added	L. 1896, Ch. 551, § 1.

§ 447c	added L. 1897, Ch. 416, § 2.
§ 447d	added L. 1899, Ch. 515, § 1.
§ 447e	added L. 1901, Ch. 528, § 1.
§ 447f	added L. 1904, Ch. 659, § 1.
§ 451	amended L. 1882, Ch. 384, § 1.
§ 458	amended L. 1896, Ch. 301, § 1.
	L. 1900, Ch. 270, § 1.
§ 468	amended L. 1893, Ch. 692, § 1.
§ 468a	added L. 1902, Ch. 371, § 1.
§ 468b	added L. 1902, Ch. 371, § 1.
§ 468c	added L. 1902, Ch. 371, § 1.
§ 468d	added L. 1902, Ch. 371, § 1.
§ 468e	added L. 1902, Ch. 371, § 1.
§ 473	amended L. 1888, Ch. 493, § 1.
	L. 1890, Ch. 220, § 1.
§ 485a	added L. 1893, Ch. 692, § 2.
§ 489	amended L. 1892, Ch. 662, § 12.
subd. 1.....	L. 1895, Ch. 902, § 1.
	L. 1897, Ch. 549, § 1.
§ 504	amended L. 1903, Ch. 332, § 1.
§ 507	amended L. 1892, Ch. 662, § 13.
§ 508	amended L. 1884, Ch. 369, § 1.
§ 514	amended L. 1884, Ch. 378, § 1.
	L. 1892, Ch. 692, § 1.
§ 517	amended L. 1905, Ch. 242, § 1.
§ 523	amended L. 1892, Ch. 662, § 14.
§ 524	amended L. 1892, Ch. 662, § 15.
§ 527	amended L. 1887, Ch. 687, § 1.
§ 528	amended L. 1907, Ch. 581, § 1.
§ 533	amended L. 1892, Ch. 662, § 16.
§ 534	amended L. 1892, Ch. 662, § 17.
§ 544	amended L. 1905, Ch. 556, § 1.
§ 550	amended L. 1903, Ch. 326, § 1.
§ 555	amended L. 1882, Ch. 384, § 1.
§ 559	amended L. 1891, Ch. 120, § 1.
§ 564	amended L. 1899, Ch. 327, § 1.
§ 566a	added L. 1887, Ch. 153, § 1.
§ 567a	added L. 1905, Ch. 366, § 1.
§ 567b	added L. 1906, Ch. 485, § 1.
§ 570, pt. com- mencing "own- er thereof"...	repealed L. 1882, Ch. 384, § 1.
§ 570	amended L. 1886, Ch. 654, § 1.
§ 571	added L. 1882, Ch. 384, § 1.
§ 572	added L. 1882, Ch. 384, § 1.
	amended L. 1892, Ch. 692, § 1.

§ 573	amended L. 1892, Ch. 692, § 1.
§ 576	amended L. 1892, Ch. 662, § 18.
§ 577a	added L. 1892, Ch. 692, § 1.
	amended L. 1893, Ch. 692, § 1.
§ 577b	added L. 1892, Ch. 692, § 1.
§ 577c	added L. 1892, Ch. 692, § 1.
§ 577d	added L. 1892, Ch. 692, § 1.
§ 577e	added L. 1892, Ch. 692, § 1.
§ 577f	added L. 1892, Ch. 692, § 1.
§ 577g	added L. 1892, Ch. 692, § 1.
§ 577h	added L. 1892, Ch. 692, § 1.
§ 577i	added L. 1892, Ch. 692, § 1.
§ 577j	added L. 1892, Ch. 692, § 1.
§ 577h	added L. 1906, Ch. 231, § 1.
	amended L. 1907, Ch. 741, § 1.
§ 579	amended L. 1882, Ch. 384, § 1.
§ 585a	added L. 1893, Ch. 692, § 2.
§ 587	amended L. 1893, Ch. 681, § 1.
§ 590	amended L. 1892, Ch. 692, § 1.
§ 591	amended L. 1892, Ch. 662, § 19.
§ 592	amended L. 1892, Ch. 662, § 20.
§ 593	amended L. 1892, Ch. 692, § 1.
	L. 1904, Ch. 489, § 1.
§ 594, subd. 7..	amended L. 1892, Ch. 692, § 1.
subds. 6, 7..	repealed L. 1901, Ch. 588, § 1.
§ 600	amended L. 1905, Ch. 248, § 1.
§ 601	amended L. 1902, Ch. 148, § 1.
§ 602	amended L. 1892, Ch. 662, § 21.
§ 602	added L. 1892, Ch. 692, § 1.
§ 603	amended L. 1892, Ch. 692, § 1.
§ 604	amended L. 1892, Ch. 692, § 1.
§ 605	amended L. 1892, Ch. 692, § 1.
§ 606	amended L. 1892, Ch. 692, § 1.
§ 607	repealed L. 1884, Ch. 377, § 1.
§ 607	added L. 1892, Ch. 692, § 1.
§ 608	repealed L. 1884, Ch. 377, § 1.
§ 608	added L. 1904, Ch. 489, § 2.
§ 609	amended L. 1892, Ch. 692, § 1.
§ 610	amended L. 1892, Ch. 692, § 1.
§ 611	amended L. 1892, Ch. 692, § 1.
subd. 4.....	L. 1893, Ch. 692, § 1.
subds. 2, 3..	L. 1906, Ch. 286, §§ 1, 2.
§ 612	amended L. 1892, Ch. 692, § 1.
§ 613	amended L. 1892, Ch. 692, § 1.
subd. 1.....	repealed L. 1901, Ch. 588, § 2.
subd. 2.....	amended L. 1901, Ch. 588, § 3.

§ 648	.....	amended	L. 1907, Ch. 405, § 1.
§ 649	.....	amended	L. 1892, Ch. 662, § 24.
§ 651	.....	amended	L. 1888, Ch. 219, § 1.
			L. 1892, Ch. 692, § 1.
			L. 1892, Ch. 699, § 1.
			L. 1893, Ch. 692, § 1.
			L. 1900, Ch. 589, § 1.
			L. 1906, Ch. 453, § 1.
§ 651a	.....	added	L. 1902, Ch. 333, § 1.
§ 652	.....	amended	L. 1897, Ch. 267, § 1.
§ 652a	.....	added	L. 1901, Ch. 560, § 1.
§ 653	.....	amended	L. 1882, Ch. 384, § 1.
§ 654	.....	amended	L. 1892, Ch. 186, § 1.
§ 654a	.....	added	L. 1896, Ch. 304, § 1.
§ 656	.....	amended	L. 1888, Ch. 144, § 1.
			L. 1888, Ch. 490, § 5.
			L. 1907, Ch. 192, § 1.
§ 661	.....	amended	L. 1885, Ch. 523, § 1.
§ 665	.....	amended	L. 1888, Ch. 144, § 2.
§ 666	.....	amended	L. 1902, Ch. 266, § 1.
			L. 1904, Ch. 539, § 1.
§ 668	.....	amended	L. 1888, Ch. 144, § 3.
			L. 1888, Ch. 490, § 6.
§ 674a	.....	added	L. 1893, Ch. 692, § 2.
		amended	L. 1894, Ch. 505, § 1.
			L. 1896, Ch. 366, § 1.
			L. 1896, Ch. 1002, § 1.
			L. 1899, Ch. 184, § 1.
			L. 1900, Ch. 508, § 1.
			L. 1905, Ch. 590, § 1.
§ 674b	.....	added	L. 1894, Ch. 551, § 2.
§ 674c	.....	added	L. 1894, Ch. 551, § 2.
§ 674d	.....	added	L. 1894, Ch. 551, § 2.
§ 674e	.....	added	L. 1894, Ch. 551, § 2.
§ 674f	.....	added	L. 1899, Ch. 327, § 2.
§ 674g	.....	added	L. 1899, Ch. 327, § 3.
§ 675	.....	amended	L. 1882, Ch. 384, § 1.
			L. 1891, Ch. 327, § 1.
§ 675a	.....	added	L. 1896, Ch. 550, § 2.
§ 686	.....	amended	L. 1902, Ch. 116, § 1.
§ 687a	.....	added	L. 1901, Ch. 425, § 1.
		amended	L. 1902, Ch. 282, § 1.
			L. 1906, Ch. 36, § 1.
			L. 1907, Ch. 737, § 1.
§ 688a	.....	added	L. 1907, Ch. 646, § 1.

§ 696	.....	amended	L. 1892, Ch. 662, § 25.
§ 607	.....	amended	L. 1886, Ch. 68, § 1.
			L. 1888, Ch. 492, § 1.
§ 698	.....	amended	L. 1896, Ch. 374, § 1.
			L. 1900, Ch. 114, § 1.
§ 699	.....	amended	L. 1892, Ch. 496, § 1.
			L. 1894, Ch. 726, § 1.
			L. 1896, Ch. 553, § 1.
			L. 1902, Ch. 103, § 1.
			L. 1905, Ch. 655, § 4.
			L. 1907, Ch. 417, § 1.
§ 700	.....	amended	L. 1888, Ch. 145, § 8.
§ 701	.....	amended	L. 1896, Ch. 554, § 1.
			L. 1904, Ch. 388, § 1.
§ 713	.....	amended	L. 1884, Ch. 46, § 9.
§ 717a	.....	added	L. 1893, Ch. 650, § 1.
§ 718	.....	amended	L. 1882, Ch. 384, § 1.
	subd. 16....	added	L. 1886, Ch. 31, § 7.
§ 725	.....	amended	L. 1882, Ch. 384, § 1.
§ 727	.....	amended	L. 1882, Ch. 102, § 1.
§ 728	.....	added	L. 1886, Ch. 31, § 8.
§ 729	.....	added	L. 1899, Ch. 475, § 1.

TABLE II

SHOWING THE PROVISIONS OF THE REVISED STATUTES, SESSION LAWS AND CODE OF CIVIL PROCEDURE WHICH ARE CONSOLIDATED IN PENAL LAW

R. S., Pt. 1, Ch. 20, Tit. 8, § 8.....	991, 992
9	994
14, 15.....	995
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24	1386
25	1383
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33	1384
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77	276
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81	279
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159, pt.....	1839
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L. 1874, Ch. 209, § 2, amended L. 1876, Ch. 108, § 1	2196
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L. 1896, Ch. 112, § 40, amended L. 1897, Ch. 312, § 28	1221, 1912
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TABLE III

SHOWING THE SECTIONS OF THE PENAL CODE AND
THE SECTIONS OF THE PENAL LAW IN WHICH
THEY ARE CONSOLIDATED:

Penal Code Section.	Penal Law Section.	Penal Code Section.	Penal Law Section.
1	1	20	1120
2	22	21	1120
3	2	22	1220
4	2	23	34
5	2	24	1460
6	2	25	859
7	20	26	42
8	41	27	25
9	31	28	26
10	30	29	2
11	21	30	2
12	2188	31	27
13 1931, 1932		32	1934
14	1935	33	1934
15	1937	34	2
16	1930	35	610
17	815	36	32
18	816	37	2380
19	817	38	2382

Penal Code Section.	Penal Law Section.	Penal Code Section.	Penal Law Section.
39	2381	48a	1827
40	2383	48b	1828
41	751	48c	2320
41a	752	49	1829
41aa	753	50	1830
41b	754	51	1831
41bb	755	52	1832
41c	756	53	1832
41d	757	54	1833
41e	758	55	1834
41f	759	56	1835
41g	760	57	1836
41h	761	58	1837
41i	762	59	1290
41j	763	60	1291
41k	764	61	1292
41-l	Repealed	62	1293
41-l	765	63	1294
41m	766	64	1295
41n	767	65	1296
41o	768	66	1297
41p	769	67	1298
41q	770	68	1299
41r	771	69	1300
41s	772	70	1301
41t	773	71	381
41u	774	72	382
41v	775	73	383
41w	776	74	384
41x	777	75	385
41y	778	76	1231
41z(a)	779	77	1792
41z(b)	780	78	386
41z(c)	781	79	389
41zz	782	80	387
41zzz	750	81	380, 1230, 1792
42	1820	82	1692
43	1821	83	1873
44	1822	84	1693
45	1823	85	1694
46	1824	86	1695
47	1825	87	1696
48	1826	88	1696

Penal Code Section.	Penal Law Section.	Penal Code Section.	Penal Law Section.
89	1697	130	2032
90	1697	131	2033
91	1699	132	320
92	1690	133	321
93	1690	134	322
94	2050	135	323
95	2051	136	274
96	1620	137	1852
97	1621	138	1853
98	1623	139	274, 1854
99	1624	140	275, 1855
100	1625	141	1856
101	1626	142	2443
101a	1627	143	600
102	1628	144	1237
103	1629	145	1780
104	1630	146	1781
105	1632	147	1080
106	1633	148	273
107	810	148a	120
108	2442	149	277
109	811	150	277
110	812	151	922
111	2441	152	923
112	813	153	641
113	2440	154	1857
114	1838	154a	1858
115	1839	155	29
116	1840	156	1782
117	1841	157	1783
117b	1843	157a	1784
118	1844	158	1785
119	1845, 1846	159	1786
120	1847	160	1691
121	1848	161	1859
122	1849	162	1860
123	1850	163	1861
124	1851	164	1862
125	570	165	1863
126	571	166	1864
127	860	167	1864
128	814	168	580
129	2031	169	581

Penal Code Section.	Penal Law Section.	Penal Code Section.	Penal Law Section.
170	582	208	1403
171	583	209	1401
171a	531	210	1404
171b	1480	211	1250
171c	1481	212	1251
172	2300	213	1252
173 Covered by §	512	214	1253
174	2301	215	1254
175	2303	216	1255
176	2304	217	240
177	2305	218	242
177a	1842	219	244
178	2302	220	241
179	1042	221	243
180	1043	222	245
181	1041	223	246
182	1040	224	2120
183	1044	225	2121
183a	1044	226	2122
184	1046	227	2123
185	1047	228	2124
186	1045	229	2126
187	1048	230	2128
188 Covered by	1049	231	2125
189	1050	232	2127
190	1050	233	2129
191	1050	234	731
192	1051	235	732
193	1052	236	730
194	1052	237	733
195	1052	238	734
196	1052	239	735
197	1052	240	736
198	1052	241	737
199	1052	242	1320
200	1052	243	1321
201	1052	244	1322
202	1053	245	1323
203	1054	246	1324
204	1055	247	1325
205	1055	248	1325
206	1400	249	1326
207	1402	250	1327

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251	1328	288	482
252	1329	289	483
253	1330	290	484
254	1331	290a	Repealed
254a	1332	291	486, 487
255	Repealed	292	485
256	Repealed	292a	488
257	Repealed	292b	210
258	Repealed	293	490, 491
259	2140	294	80
260	2141	295	81
261	Repealed	296	492
262	Repealed	297	82
263	2143	298	340
264	2144	299	341
265	2145	300	342
266	2146	301	343
267	2147	302	1110
268	2148	303	690
269	2142	304	691
270	2149	305	2210
271	2150	306	2211
272	2073	307	2212
273	2070	308	2213
274	2071	309	2214
275	2072	310	2215
276	2151	311	2216
277	2152	312	2217
278	2010	313	2218
279	2012	314	2219
280	2011	315	2220
280a	100, 101, 103	316	1140
280b	102	317	1141
281	532	318	1142
282	70	319	1143
282a	2460	320	1144
282b	1090, 1091	321	1145
283	71, 533, 611, 2013	322	1146
284	2461	323	1370
285	2461	324	1371
286	611	325	1372
287	481	326	1373
287a	480	327	1374

Penal Code Section.	Penal Law Section.	Penal Code Section.	Penal Law Section.
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329	1377	362	1893
330	1378	363	924
331	1379	363a	140-143
332	1380	363b	440
333	1381	364	421, 2354
334	1382	364a	422
335	1375	364b	423
335a *	Unconstitutional	364c	424
336	971	364d	425
337	971	364e	426
337a	982	364f	427
337b	983	364g	428
337c	984	364h	429
337d	985	364i	430
338	972	364j	431
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340	989	366	2350
341	990	367	2351
342	996	368	2353
343	973	369	2355
344	970	370	2356
344a	974	371	2357
344b	975	372	2481
344c	976	373	1350
345	977	374	2482
346	978	375	920
347	979	376	1450
348	980	377	1121
349	997	378	2400
350	981	379	1788
351	986	379a	516
352	987	380	1789
353	1590	381	513
354	1591	382	925
355	1592	383	514
356	1762	383a	832
357	1761	383a	515
358	1760	384	830
359	1890	384a	2030
359a	1500	384b	620
359b	1500	384c	432
360	1891	384d	433

*See note 111.

Penal Code Section.	Penal Law Section.	Penal Code Section.	Penal Law Section.
384e	1610	409	1896
384f	Repealed	410	1897
384g	1270	411	1898
384h	1271	411a	1899
384i	1272	412	1752
384j	1273	413	1900
384k	1274	414	1901
384-l	1275	415	870
384m*	Unconstitutional	415a	871
384m	1520	416	1980
384n	1521	417	1981
384o	1081	418	1982
384p	2370	419	1983
384q	2371	420	1984
384r	439	421	1985
385	1530	422	1986
386	1531	423	1987
387	1532	424	1988
388	1533	425	1989
389	1894	426	1990
390	1759	427	831
391	1960	427a	1902
392	1961	428	1903
393	1962	429	1904
394	1963	429a	Repealed
395	1964	430	1753
396	1741	431	1754
397	1740	432	1755
398	1501	433	1503
399	1501	433a	1504
400	1502	434	1756
401	1742	435	926
402	1743	436	721
403	1742	437	1509
404	1744	438	435
405	1745	438a	436
405a	1746	438b	437
405b	1747	439	438
406	434	440	642
407	1748	441	1550
407a	1749	442	1551
408	1750	443	943
408a	1751	444	1505

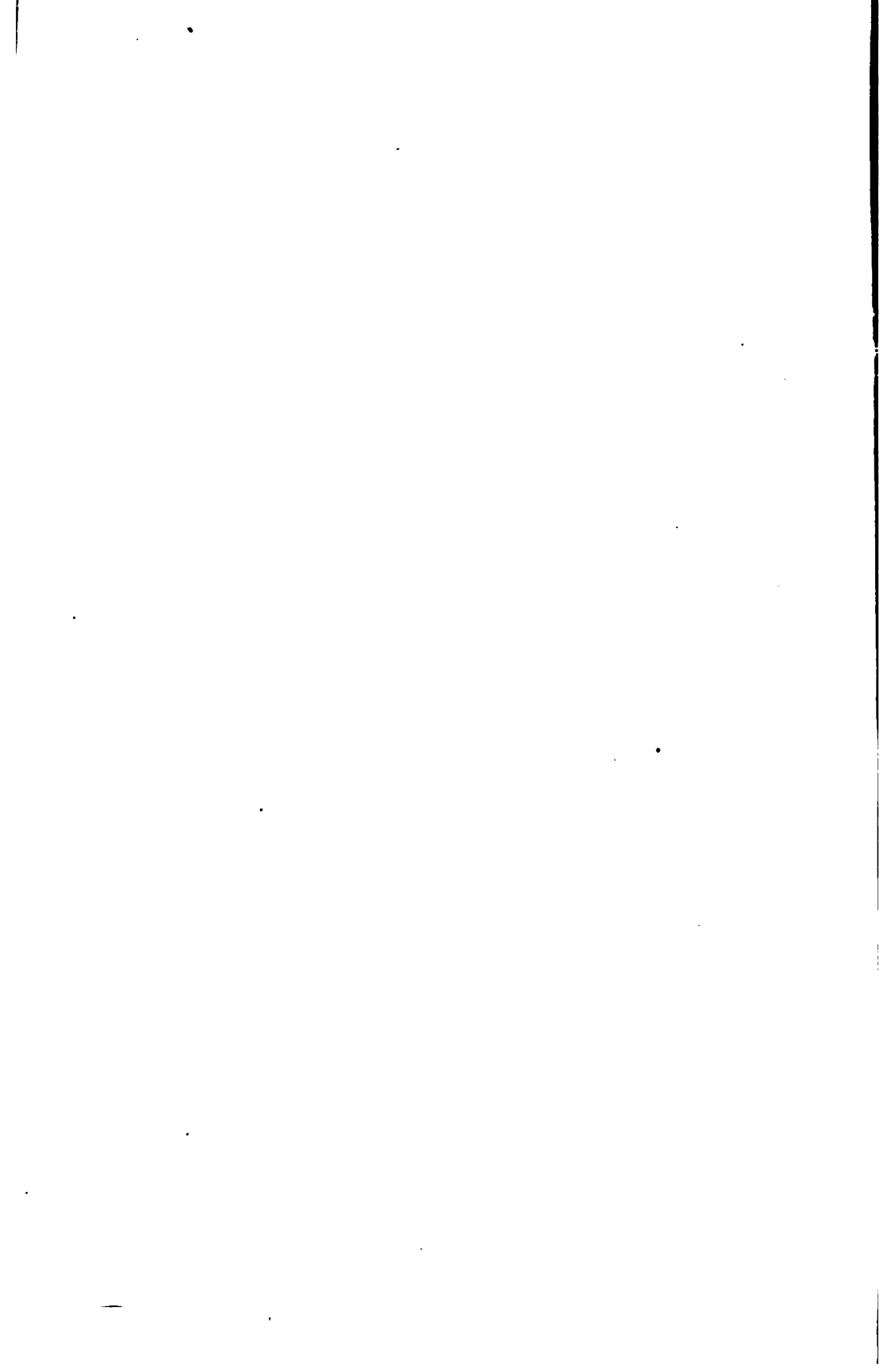
*See note 112.

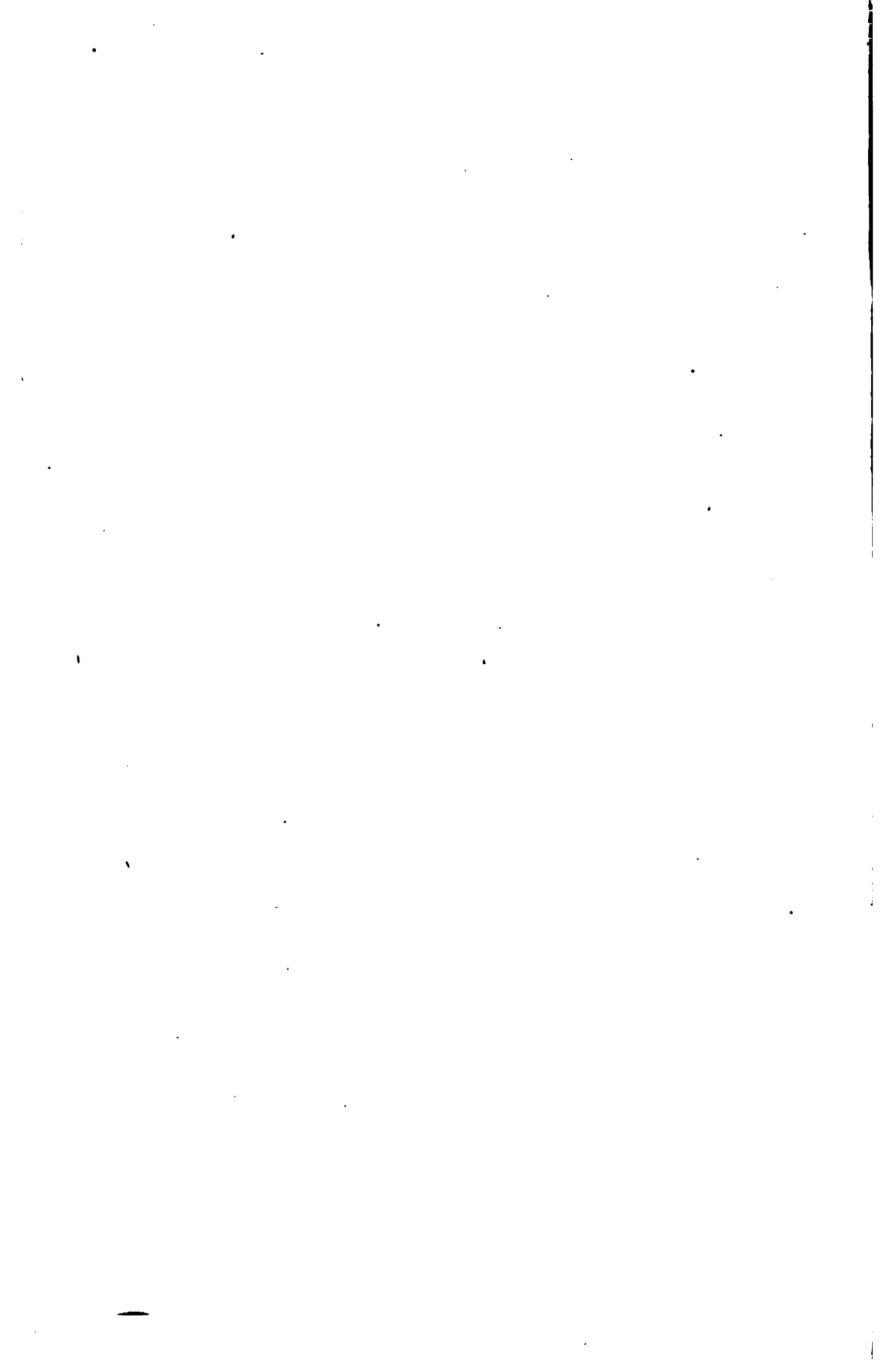
Penal Code Section.	Penal Law Section.	Penal Code Section.	Penal Law Section.
445	1122	475	1870
446	927	476	460
447	1482	477	461
447a	1276	478	462
447b	1905	479	463
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447d	2410	481	465
447e	1758	482	1360
447f	388	483	2170
448	1470	484	1483
449	2090	485	2321
450	2091	485a	1871
451	2092	486	221
452	710	487	222
453	711	488	223
454	2093	489	224
455	2094	490	225
456	2095	491	226
457	1787	492	220
458	1710	493	220
459	1711	494	220
460	1712	495	227
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462	1714	498	404
463	1715	499	400
464	1715	500	Repealed
465	2034	501	400
466	2035	502	400
467	2036	503	401
468	1906	504	400
468a	160	505	405
468b	161	506	406
468c	164	507	407
468d	162	508	408
468e	163	509	884
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1787, 1906, 2038,	2097	511	887
470	1865	512	887
471	1866	513	880
472	1867	514	889
473	1868	515	889
474	1869	516	891

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518	890	561	858
519	882	562	928
520	880	563	929
521	881	564	930
522	883	565	931
523	886	566	932
524	888	566a	933
525	893	567	934
526	894	567a	935
527	895	567b	936
528	2260	568	937
529	2263	569	938
530	2264	570	939
531	2266	571	940
532	2268	572	941
533	2265	573	942
534	2267	574	943
535	2269	575	1506
536	2262	576	1507
537	2261	577	1508
538	2480	577a	1190
539	2270	577b	1191
540	2271	577c	1192
541	2272	577d	1193
542	2272	577e	1194
543	2272	577f	1195
544 442,	947	577g	1196
545	2273	577h	1197
546	2274	577i	1198
547	2275	577j	1199
548	2276	577k	1200
549	2277	578	1201
550	2278	579	1202
551	2279	580	2411
552	850	581	2412
553	851	582	2413
554	852	583	2414
555	853	584	2415
556	854	585	2416
557	855	585a	2417
558	856	586	1170
559	551	587	1171

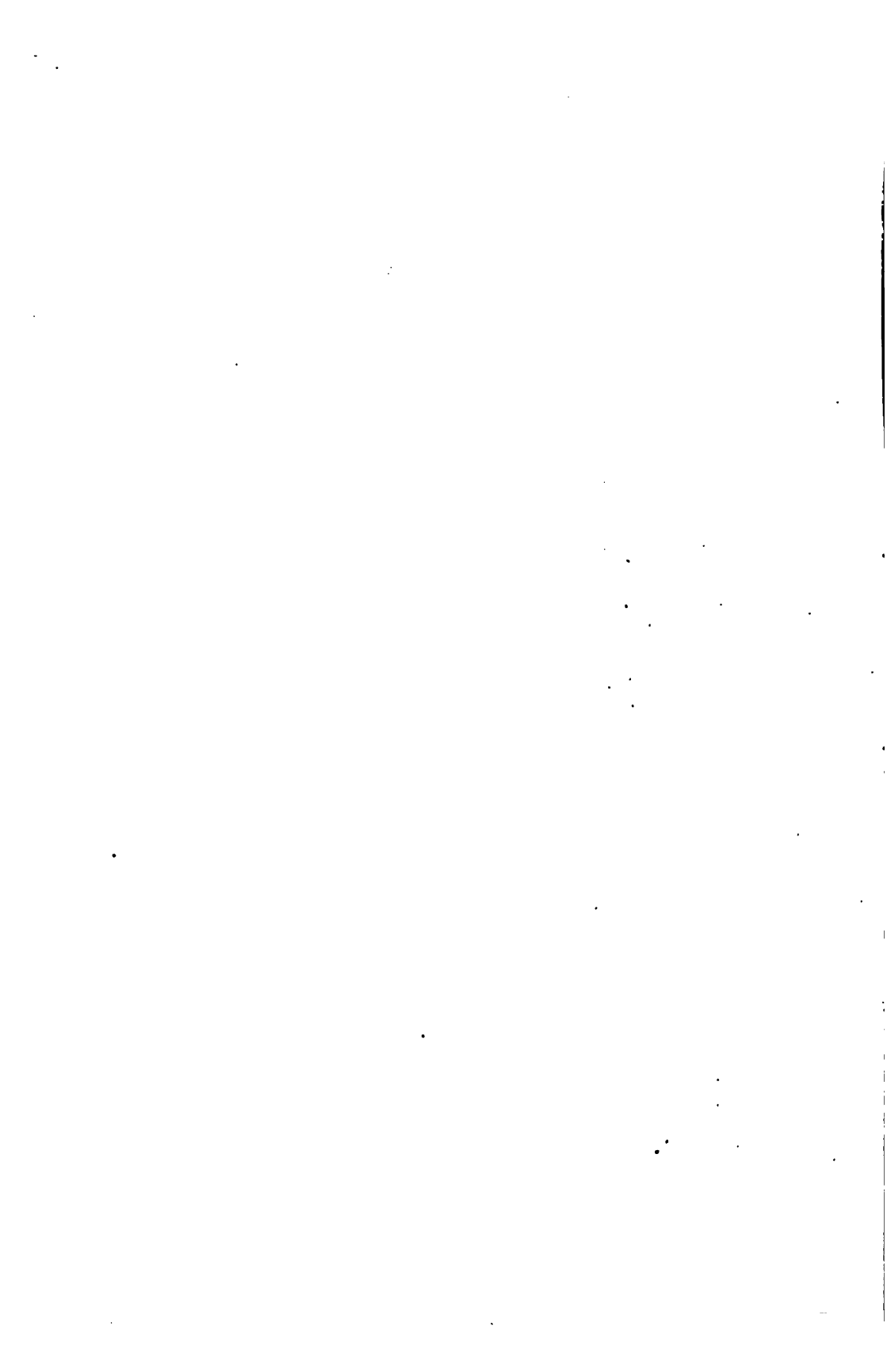
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588	1172	626	1561
589	1173	627	1560
590	660	628	361
591	662	629	360
592	661	630	362
593	663	631	363
594	664	632	364
595	290	633	365
596	290	634	366
597	291	634a	367
598	292	635	1991
599	293	636	1420
600	294	637	1421
601	295	638	1422*
602	296	639	1423
602	668	639a	1424
603	297	640	1425
604	298	640a	1160
605	299	640b	1161
606	300	640c	1100
607	301	640d	Repealed
608	666	640e	Repealed
609	302	641	552
610	664	642	553
611	665	643	121
612	670	644	121
613	669	645	1895
614	667	646	1426
615	Unconstitutional	647	1427
616	1562	648	1428
616a	1563	649	1429
616b	1564	650	1430
616c	1565	651	1431
617	Unconstitutional	651a	1432
618	Unconstitutional	652	1907, 1908
619	Unconstitutional	652a	1909
619a	1566	653	530
620	Unconstitutional	654	1433
621	1567	654a	1434
622	1568	655	185
623	1569	656	186
624	1570	657	187
625	1571	658	188

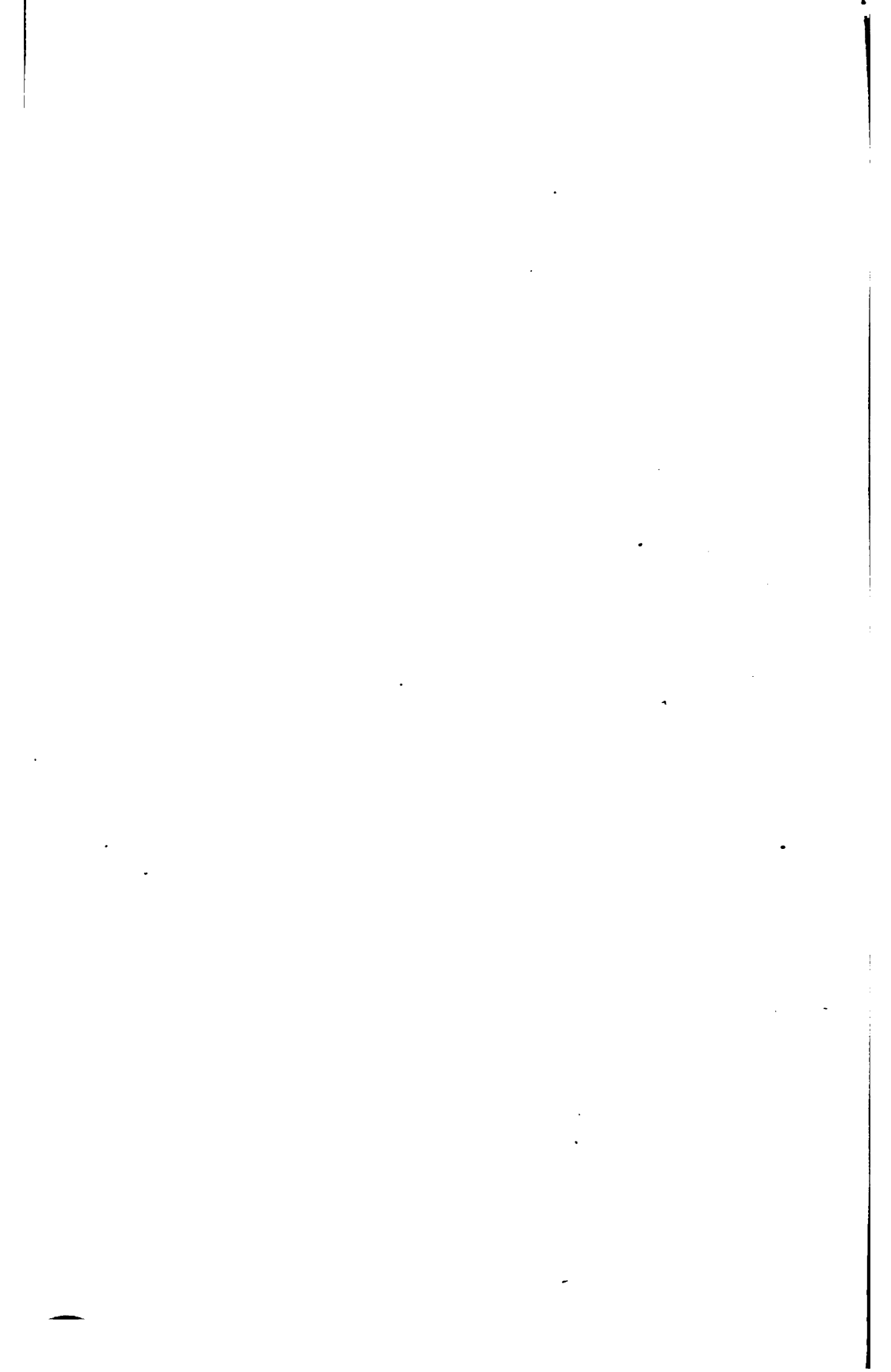
Penal Code Section.	Penal Law Section.	Penal Code Section.	Penal Law Section.
659	189	690	1020
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661	191	692	1022
662	192	693	1943
663	193	694	2190
664	182	695	2190
665	181	696	2191, 2192
666	194	697	2193
667	195	698	2187
668	196	699	2186
669	180	700	2185
670	278	701	2184
671	279	702	2181
672	1872	703	2182
673	1910	704	2183
674	944	705	2180
674a	2240	706	36
674b	1484	707	510
674c	1485	708	511
674d	1486	709	640
674e	1487	710	512
674f	945	711	644
674g	1911	712	1631
675	43, 720	713	2194
675a	1650	714	2444
676	1933	715	2445
677	1938	716	643
678	28	717	643
679	33	717a	946
680	601	718	3
681	1939	719	38
682	1936	720	23
683	550	721	921
684	35	722	24
685	260	723	37
686	261	724	39
687	262	725	40
687a	2189	726	2501
688	1941	727	2502
688a	1942	728	2500
689	1940	729	441











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